



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



ANN

BY AUTH

ACTS
OF
THE PARLIAMENT
OF
SOUTH AUSTRALIA.

ANNO SEPTIMO EDWARDI VII REGIS, A.D. 1907.



Adelaide:
BY AUTHORITY: C. E. BRISTOW, GOVERNMENT PRINTER, NORTH TERRACE.
1907.

A

00001

5126



26

JES
E
1907

ACTS
OF
THE PARLIAMENT
OF
SOUTH AUSTRALIA.

ANNO SEPTIMO EDWARDI VII REGIS, A.D. 1907.



Adelaide:
BY AUTHORITY: C. E. BRISTOW, GOVERNMENT PRINTER, NORTH TERRACE.
1907.

115776

YRASHU
ROBIL. GROMAT. OBA. BU
YTRIVINU

ABSTRACT INDEX.

1907.

NAME OF ACT.	No. of ACT.	NAME OF ACT.	No. of ACT.
APPROPRIATION	939	RAILWAYS—	
AUDIT AMENDMENT	921	GAWLER TO ANGASTON	942
BIRTHS, MARRIAGES, AND DEATHS REGISTRA- TION	929	LAURA TO BOOLEROO CENTRE	941
BROTHELS SUPPRESSION	931	PINNAROO—AMENDMENT	928
CORONERS AMENDMENT	922	PORT LINCOLN—EXTENSION	932
FACTORIES	945	RENT DISTRESS AMENDMENT	934
GAMING SUPPRESSION	943	BENMARK IRRIGATION TRUSTS	933
HABITUAL CRIMINALS	927	SAVINGS BANK BRANCHES	925
INSTITUTES AMENDMENT	937	SCAFFOLDING INSPECTION	935
JURY AMENDMENT	923	SUPPLY (No. 1)	918
LEGISLATIVE COUNCIL FRANCHISE	920	SUPPLY (No. 2)	924
MAGISTRATES FEES	926	-TRAMWAYS TRUST CROWN LEASE	936
MAMINE BOARD AND NAVIGATION (1906) ..	917	TRUSTEE	944
MOTOR VEHICLES	938	VACCINATION, COMPULSORY—EXEMPTION EX- TENSION	919
		VERMIN AMENDMENT	940
		WINE AND BRANDY ADULTERATION	930

RESERVED.

THE NORTHERN TERRITORY SURRENDER BILL.

INDEX.

- No. 917. An Act to further amend the "Marine Board and Navigation Act, 1881," and for other purposes.
[Reserved, December 21st, 1906. Royal Assent proclaimed, May 8th, 1907.]
- No. 918. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand nine hundred and seven. [Assented to, July 31st, 1907.]
- No. 919. An Act to extend the Exemption Provisions of an Act of the Governor and Parliament of South Australia, No. 761 of 1901, entitled "An Act to Abolish Compulsory Vaccination." [Assented to, October 2nd, 1907.]
- No. 920. An Act to further amend "The Constitution Act," and to provide for an Extension of the Franchise for the Legislative Council. [Assented to, October 19th, 1907.]
- No. 921. An Act to further amend "The Audit Act, 1882." [Assented to, October 19th, 1907.]
- No. 922. An Act to further amend the Law relating to Coroners.
[Assented to, November 13th, 1907.]
- No. 923. An Act to further amend "The Jury Act, 1862," and for other purposes.
[Assented to, November 13th, 1907.]
- No. 924. An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand nine hundred and eight. [Assented to, November 13th, 1907.]
- No. 925. An Act to amend "The Savings Bank Amendment Act, 1903," and for other purposes.
[Assented to, November 20th, 1907.]
- No. 926. An Act to amend Ordinance No. 4 of 1843, intituled "An Ordinance appointing the Fees to be taken by Magistrates in South Australia," and for other purposes.
[Assented to, December 12th, 1907.]
- No. 927. An Act to Provide for the Detention and Control of Habitual Criminals.
[Assented to, December 12th, 1907.]
- No. 928. An Act to amend the "Pinnaroo Railway Act." [Assented to, December 12th, 1907.]
- No. 929. An Act to amend the Laws relating to the Registration of Births, Marriages, and Deaths. [Assented to, December 12th, 1907.]
- No. 930. An Act to prevent the Adulteration of Wine and Brandy.
[Assented to, December 12th, 1907.]
- No. 931. An Act for the Suppression of Brothels, and for other purposes.
[Assented to, December 12th, 1907.]
- No. 932. An Act to provide for an Extension of the Port Lincoln Railway, and for other purposes. [Assented to, December 12th, 1907.]
- No. 933. An Act to further amend the Renmark Irrigation Trusts Acts, and for other purposes.
[Assented to, December 21st, 1907.]
- No. 934. An Act to amend the Law relating to Distress for Rent.
[Assented to, December 21st, 1907.]
- No. 935. An Act to provide for the Inspection of Scaffolding, and for other purposes.
[Assented to, December 21st, 1907.]
- No. 936. An Act to empower the Governor to grant to The Municipal Tramways Trust a Lease and Renewal thereof of certain Crown Lands for the purposes of the said Trust, and for other purposes. [Assented to, December 21st, 1907.]
- No. 937. An Act to further amend the Law relating to Institutes.
[Assented to, December 21st, 1907.]
- No. 938. An Act relating to Motor Vehicles. [Assented to, December 21st, 1907.]

- No. 939. An Act for the Further Appropriation of the Revenue for the Year ended June Thirtieth, One Thousand Nine Hundred and Seven, and for the General Appropriation of the Revenue for the Year ending June Thirtieth, One Thousand Nine Hundred and Eight. [Assented to, December 21st, 1907.]
- No. 940. An Act to amend "The Vermin Act, 1905." [Assented to, December 21st, 1907.]
- No. 941. An Act to provide for the Construction of a Railway from Laura to Booleroo Centre, *vid* Wirrabara, and for other purposes. [Assented to, December 21st, 1907.]
- No. 942. An Act to authorise the Construction of a Railway from Gawler to Angaston, and for other purposes. [Assented to, December 21st, 1907.]
- No. 943. An Act to make further provision for the Suppression of Gaming, and for other purposes. [Assented to, December 21st, 1907.]
- No. 944. An Act to amend "The Trustee Act, 1893." [Assented to, December 21st, 1907.]
- No. 945. An Act to consolidate and amend the Law relating to Factories, and for other purposes. [Assented to, December 21st, 1907.]
- An Act to Surrender the Northern Territory of the State of South Australia to the Commonwealth of Australia, and for other purposes; and to Approve and Provide for Carrying Out an Agreement for such Surrender and other purposes entered into between the Governments of the said Commonwealth and the said State. [Reserved, December 21st, 1907.]



ANNO SEXTO

EDWARDI VII REGIS.

A.D. 1906.

No. 917.

An Act to further amend the "Marine Board and Navigation Act, 1881," and for other purposes.

[*Reserved, December 21st, 1906.*
[*Royal Assent proclaimed, May 8th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Marine Board and Navigation Act Further Amendment Act, 1906," and shall be incorporated and read with the "Marine Board and Navigation Act, 1881" (herein called the principal Act), and the Acts amending the same.

Short title and
incorporation.

2. This Act shall not come into operation until His Majesty's pleasure thereto has been signified, and after such signification the Governor may, by Proclamation in the *Government Gazette*, appoint a day on which the Act shall come into force.

Coming into
operation.

3. Section 92 of the "Marine Board and Navigation Act, 1881," is hereby repealed.

Repeal of sec. 92 of
Act 237 of 1881.

4. The words "twelve pounds in weight," wherever they occur in Part VIII. of the principal Act, are hereby repealed, and the words "twenty-five pounds in weight" substituted therefor.

Amendment of Part
VIII. of Act 237 of
1881.

5. The word—

Interpretation.

"Goods" includes all kinds of movable personal property:

The Marine Board and Navigation Act Further Amendment Act.—1906.

Section 49 of the principal Act is hereby amended by inserting after the word “ships” in the second line of the section the words “whether of British registry or not”:

Sub-section 1., of section 50 of the principal Act, is hereby amended by inserting between the words “any” and “ship” in the fifth line of the sub-section the word “such”:

A ship shall be deemed to “ply” within the meaning of section 327 of the principal Act whether such ship plies, travels, or carries for hire or otherwise, and whether for any consideration in money or otherwise:

The word “steamship” in Part II. of the principal Act shall extend to and include ships driven or propelled by oil or any other kind of engine, in addition to or in place of steam.

Remedies of master
for wages, disburse-
ments, &c.

Imp. Statute 57, 58,
Vic., cap. 60, sec.
167.

6. (1) The master of a ship shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of his wages as a seaman has under the principal Act or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any Admiralty proceeding in any Court having Admiralty jurisdiction touching the claim of a master in respect of wages, or of such disbursements or liabilities as aforesaid, any right of set-off or counter-claim is set up, the Court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due.

No shipment or
unshipment of goods
on Sunday.

7. No person shall at any time during Sunday ship or unship, or cause or permit to be shipped or unshipped, or water-borne to be shipped or unshipped, any goods: Provided that it shall be lawful for the master of any coast-trade ship to unship any cattle, fresh meat, fresh fish, fruit, vegetables, and other perishable articles, and personal baggage of passengers on a Sunday; and provided also that it shall be lawful for the Commissioner, in cases of emergency, to grant a permit to the master of any ship to ship or unship goods on a Sunday subject to such terms and conditions as the Commissioner may think fit

Penalty

8. Any person committing a breach of the next preceding section shall be liable to a penalty not exceeding Two Hundred and Fifty Pounds.

Vessels in an
unseaworthy
condition.

9. Any person who arrives at any port or place within the said State from any other port or place in the said State in charge of any ship

The Marine Board and Navigation Act Further Amendment Act.—1906.

ship in such an unseaworthy condition that the life of any person might, had the ship been at sea in such condition, thereby be endangered, shall be guilty of a misdemeanor, unless he proves—

- (a) That he used all reasonable means to ensure her being sent to sea in a seaworthy state; or
- (b) That her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable; or
- (c) That she became unseaworthy whilst at sea after leaving the last port of call, in consequence of circumstances over which he had no control:

and, on conviction as the owner or representative of the owner of such ship, shall be liable to a penalty of not less than Fifty Pounds nor more than One Hundred Pounds.

10. Any person who sends or takes, or attempts to send or take, or who departs from or arrives at any port or place in the said State in charge of any ship without the hatches of such ship being properly battened down and secured, or in such a position and condition that they can be so battened down and secured without delay, shall be liable to a penalty of not exceeding One Hundred Pounds.

Penalty for departing from or arriving at any port without hatches on.

11. Every Municipal Corporation or District Council having the care, control, and management of any jetty, pier, wharf, or breakwater, the approaches thereto, or other works in connection therewith within its boundaries or district, whether heretofore or hereafter constructed, shall thoroughly cleanse, repair, and maintain the same in a proper state and condition to the satisfaction of the Commissioner; and if any Municipal Corporation or District Council shall fail to cleanse or repair any such jetty, wharf, pier, breakwater, or approach thereto, or works in connection therewith, within a reasonable time after being required by the Commissioner to do so the Commissioner may cause the same to be cleansed, or repaired, or put into a proper state and condition, and the cost thereof shall be paid by the Municipal Corporation or District Council to the Commissioner, or may be deducted from any money subsidy payable by the Government to the Municipal Corporation or District Council, as the case may be. A certificate signed by the President of the Marine Board shall be conclusive evidence of the cost of cleansing or repairing such jetty, pier, wharf, breakwater, or approach thereto, or works in connection therewith. Notwithstanding anything in this clause contained, no Municipal Corporation or District Council shall be liable to expend in any year in so cleansing, repairing, or maintaining any such jetty, pier, wharf, or breakwater, or any approaches thereto, any larger sum in the aggregate than the revenue derived by such Municipal Corporation or District Council from such jetty, pier, wharf, or breakwater during the year immediately preceding such expenditure.

Control and management of jetties and wharves by Corporations or District Councils.

12. The

The Marine Board and Navigation Act Further Amendment Act.—1906.

Lighting of wharves.

12. The owner, lessee, occupier, or person having the control or management of any wharf which the Governor shall by Proclamation direct to be lighted under this section, shall keep alight on such wharf at such times as shall be specified in such Proclamation such a number of good and efficient lamps or other lights as shall be sufficient to properly light every part of such wharf: Provided that when the portion of the wharf forming a street end is the property of a Corporation, or District Council, such portion of the wharf shall be lighted at the expense of such Corporation or District Council during the currency of the present lease.

Penalty for default.

13. Any person failing to comply with the provisions of the last preceding section shall be liable to a penalty not exceeding Two Pounds for every night on which he so fails.

By-laws.

14. In addition to the powers conferred upon it by the principal Act, the Board may make by-laws and regulations for prescribing on what nights such lamps or other lights shall be kept alight, and for regulating—

- (a) The mode of examination of engineers, and
- (b) The number and qualification of engineers for
 - (1) Foreign-going ships,
 - (2) Intercolonial ships,
 - (3) Coast-trade ships, and
 - (4) Ships plying within restricted limits:

and such other by-laws or regulations as may be necessary for carrying out the objects of this Act. Such by-laws and regulations shall be made and dealt with, and penalties may be affixed for the breach thereof, in manner prescribed by the principal Act.

I reserve this Act for the signification of His Majesty's pleasure.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 918.

An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Three Months ending the Thirtieth day of September, one thousand nine hundred and seven.

[Assented to, July 31st, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. Out of the General Revenue of South Australia there shall be issued and applied, from time to time, for the service of the three months ending the thirtieth day of September, one thousand nine hundred and seven, any sums of money not exceeding in the whole the sum of Four Hundred Thousand Pounds.

Issue and application
of £400,000.

2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the year ended the thirtieth day of June, one thousand nine hundred and seven, except so far as such rates are affected by the "Civil Service Act, 1874," or by departmental regulations.

Payments not to
exceed last year's
Estimates.

Exception.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 919.

An Act to extend the Exemption Provisions of an Act of the Governor and Parliament of South Australia, No. 761 of 1901, entitled "An Act to Abolish Compulsory Vaccination."

[Assented to, October 2nd, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Compulsory Vaccination Exemption Extension Act, 1907," and shall be read and incorporated with Acts No. 761 of 1901 and No. 908 of 1906.

Short title and
incorporation.

2. Notwithstanding anything contained in the Acts No. 761 of 1901 and No. 908 of 1906, no parent or other person shall be liable to any penalty under section 21 of "The Vaccination Act, 1882," in respect of any child born before the passing of this Act if before the thirty-first day of December, one thousand nine hundred and seven, he makes a declaration before a Justice of the Peace, in the form of the Schedule to Act No. 761 of 1901, that he conscientiously believes that vaccination would be prejudicial to the health of the child in respect to which the declaration is made.

Exemption provision
extended.

3. Upon receipt by the Vaccination Officer of any declaration pursuant to the Act No. 761 of 1901 or this Act, such officer shall give or send by post to the person making such declaration an acknowledgment of the receipt thereof under his hand or the hand of his clerk.

Vaccination officer to
acknowledge
declaration.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 920.

An Act to further amend "The Constitution Act," and to provide for an Extension of the Franchise for the Legislative Council.

[Assented to, October 19th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Council Franchise Extension Act, 1907." Short title.

2. This Act shall be incorporated with "The Constitution Act" and "The Electoral Code, 1896," and all Constitution, Electoral, and other Acts are hereby amended so far as may be necessary to give effect to this Act. Incorporation.

3. In this Act—

Definition.

"Improvements" means substantial and permanent improvements, consisting of buildings, fencing, dams, tanks, wells, or reservoirs, or clearing, or drainage, or irrigation works:

"Officiating minister of religion" means an officiating minister of religion within the meaning of "The Marriage Act, 1867."

4. The following persons shall be entitled to vote at the election of members of the Legislative Council, namely:— Extension of franchise.

1. Any person occupying a dwelling-house, or a dwelling-house and premises appurtenant thereto, in respect whereof such person

The Council Franchise Extension Act.—1907.

person is liable for and pays a rent at the rate of not less than Seventeen Pounds per annum; but any payment by way of rent made by a wife to her husband shall not be deemed to be payment of rent within the meaning of this Act.

- II. Any person who is the registered proprietor of a Crown lease on which there are improvements to the value of at least Fifty Pounds which are the property of such registered proprietor:
- III. Any person possessing qualifications under "The Constitution Act" or any Act amending the same:
- IV. Every officiating minister of religion:
- V. Every head teacher of a college or school who resides in premises belonging to or used in connection with such college or school:
- VI. Every postmaster and postmistress in charge of and resident in a building used as or in connection with a post office:
- VII. Every railway stationmaster who resides in premises belonging to His Majesty's Government of the State of South Australia:
- VIII. Every member of the Police Force in charge of a police station:

Provided that such persons are of the age of twenty-one years, are British subjects, and inhabitants of South Australia, and have resided in South Australia six months prior to the registration of their electoral claims.

Registration.

5. No person shall be entitled to vote at any election for members of the Legislative Council unless he shall have been registered on an electoral roll for the Legislative Council prior to the issue of any writ of election.

Returning Officer to require proof of right to be on roll.

6. (a) It shall be the duty of the Returning Officer for the State, if he shall have reason to believe, or if it shall have been notified to him in writing by any elector, that the name of any person should not be retained upon the electoral roll for the Legislative Council, by notice in writing at any time to require any such person to produce evidence to the satisfaction of such Returning Officer that such person is at such time possessed of one of the qualifications prescribed by this Act.

(b) If any such person shall fail or neglect to supply such evidence for a period of forty-two days after the last-mentioned notice, his name shall be struck off the roll by or by direction of the Returning Officer.

The Council Franchise Extension Act.—1907.

7. Proof of the posting of a notice pursuant to the last preceding section shall be deemed to be proof of service upon the person to whom such notice is addressed as and from the day when, in the ordinary course of post, such notice would have reached its destination.

Proof of posting of notice.

8. (a) Every person claiming to have his name placed upon any electoral roll for the Legislative Council shall make a claim and declaration in the form in the Schedule to this Act, and shall sign the same in the presence of a witness.

Claim and declaration.

(b) Such witness shall be either a Justice of the Peace, Returning Officer, Registrar, postmaster, or police officer, and to such claim and declaration shall sign his name and add his address and occupation or description, and shall forward such claim and declaration to the Registrar.

(c) Every such claimant shall, if and when required by the Returning Officer or Registrar, furnish such evidence in support of his claim as such Returning Officer or Registrar may demand.

(d) Until such evidence is so furnished the name of such claimant shall not be entered upon the roll.

(e) Any person making an untrue statement or tendering untrue evidence in or respecting any claim or declaration shall, on conviction, be liable to be imprisoned for any period not exceeding two years.

9. Until new rolls are prepared, the rolls of electors for the Legislative Council in existence at the time when this Act shall come into operation shall, as altered from time to time, be the rolls of electors for the Legislative Council.

Existing rolls to be in use pending new rolls.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

THE SCHEDULE.

LEGISLATIVE COUNCIL.

ELECTORAL CLAIM AND DECLARATION.

*Division.**District.*

I [*Christian and surname in full*] of [*residence and occupation*] do hereby claim to be registered on the electoral roll for the above division and to vote at , and do hereby solemnly and sincerely declare—

1. I am a natural born (*or* naturalised) subject of His Majesty.
2. I am twenty-one years of age and am an inhabitant of South Australia, and have resided in South Australia for six months immediately preceding the date of this electoral claim and declaration.
3. I reside within the division above mentioned.
4. I am not, within my knowledge, registered on the electoral roll of any other division.
5. I possess the following qualification, namely :—(*a*)

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)

situate at

Dated day of 190

Christian and surname in full—

Place of residence—

Usual signature—

Signed and declared before me

Signature of witness—

Address of witness—

Occupation or description of witness—

(a) State what qualification is possessed, and where—

1. I am in occupation of a dwelling-house (*or* a dwelling-house and premises appurtenant thereto) in respect whereof I am liable for and pay a rent at the rate of not less than Seventeen Pounds per annum.
2. I am the owner of a freehold estate of the clear value of Fifty Pounds above all charges affecting the same.
3. I am the registered proprietor of a Crown lease on which there are improvements to the value of at least Fifty Pounds, which are my property.
4. I am a registered leaseholder of the clear annual value of Twenty Pounds, with three years to run (*or* with right of purchase).
5. I am a head teacher of a college (*or* school) and reside in premises belonging to or used in connection with such college (*or* school).
6. I am a postmaster (*or* postmistress) in charge of and resident in a building used as or in connection with a post office.

The Council Franchise Extension Act.—1907.

7. I am a railway stationmaster and reside in premises belonging to His Majesty's Government of the State of South Australia.
8. I am a member of the Police Force in charge of a police station situated at
9. I am an officiating minister of religion.

N.B.—State fully where qualifying property is situate, giving—in the country, section and hundred; in town, name of street, and number of house (if any); and such other particulars as will enable it to be easily and clearly identified.

This claim, if posted addressed to "The Registrar" at the address in Schedule II. to the Electoral Code, will travel free, provided the envelope is marked outside "Electoral Paper Only," and is signed by the sender.

Any person wilfully making any false statement in this claim and declaration renders himself liable to imprisonment not exceeding two years.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 921.

An Act to further amend "The Audit Act, 1882."

[*Assented to, October 19th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Audit Act Further Amendment Act, 1907," and shall be incorporated with "The Audit Act, 1882," and the Act incorporated therewith. Short title and incorporation.

2. "The Audit Act, 1882," is hereby amended by striking out the words "One Thousand" in section 6 thereof and substituting the words "Eight Hundred" therefor. Amendment of principal Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 922.

An Act to Further Amend the Law relating to Coroners.

[*Assented to, November 13th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Coroners Act Further Amendment Act, 1907," and shall be incorporated and read as one with "The Coroners Act, 1884," hereinafter called "the principal Act."

Short title and incorporation.

2. Notwithstanding anything contained in the principal Act, or any law or custom to the contrary, in any case in which a coroner deems it necessary to hold an inquest upon a dead body, or to hold an inquiry into the cause and origin of any fire, it shall not hereafter be necessary for such coroner to issue his summons or precept to any jurors, or to have any jurors in attendance at such inquest or inquiry unless—

Power to hold inquests without a jury.

Cf. Vic., No. 1828, 1903, sec. 2.

(a) Such coroner considers it desirable that jurors should be summoned to attend; or

(b) The Attorney-General directs that jurors shall be so summoned; or

(c) A request that jurors may be summoned to attend shall be made in writing by—

- i. Any relative of the deceased person or any sufferer by the fire:
- ii. Any

The Coroners Act Further Amendment Act.—1907.

ii. Any person claiming to know any circumstances relative to the death of the deceased person, or concerning the cause of the fire ; or

iii. Any member of the police force.

Reasons to be stated.

3. Any coroner holding an inquest without jurors shall set forth in writing his reasons for so holding it, and forthwith transmit such reasons to the Attorney-General.

Effect of finding where no jury.

4. Where, pursuant to the provisions of this Act, an inquest is held by a coroner without jurors, the proceedings thereat shall in all respects be as nearly as practicable as if jurors had been summoned and attended, and the finding or decision of such coroner shall for all purposes have the like force and effect as the finding or verdict of jurors would have had thereat, and any reference in any Act to a finding or verdict of a coroner's jury, or of jurors at coroner's inquests or inquiries, shall be deemed to apply also to the finding or decision of a coroner at an inquest without jurors, and such coroner shall have the like powers in reference to such finding or decision by himself alone as coroners now have on the finding or verdict by a jury or jurors at a coroner's inquest ; and in taking recognisances on admitting any person to bail such coroner may vary the form contained in the Schedule to the principal Act as may appear necessary.

View on inquest not compulsory.

Cf. N.Z., No. 60 of 1902, sec. 6.

5. Notwithstanding anything in the principal Act, or any law or custom to the contrary, it shall not be necessary for the jurors on any inquest to view the body of any deceased person unless required to do so by the coroner.

Repeal, sec. 8, Act 332 of 1884.

6. Section 8 of the principal Act is hereby repealed, and the next following section hereof shall be read in lieu thereof.

Mode of summoning jury.

7. (1) Upon receiving a coroner's precept, duly signed and sealed, the constable to whom the same is directed shall summon a jury, either by verbal command and production of such precept or by service of summons.

Qualification of jurors.

(2) The jury to be so summoned shall, where practicable, consist of persons resident within two miles of the place where the inquest is to be held and whose names appear upon the jurors' list for the time being in force in the nearest Local Court ; but otherwise all true and lawful men between the ages of twenty-one and sixty years shall be qualified as jurors, and liable to be commanded or summoned to attend as such, unless exempted by law.

Inquests to be held at police stations or Court buildings.

8. Notwithstanding anything in the principal Act inquests shall, whenever possible and convenient, be held at police stations or Local
or

The Coroners Act Further Amendment Act.—1907.

or Police Court buildings where such buildings are the property of the Government.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 923.

An Act to further amend "The Jury Act, 1862," and for other purposes.

[Assented to, November 13th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Jury Act Further Amendment Act, 1907," and shall be read and construed with "The Jury Act, 1862," hereinafter called "the principal Act," and the Acts amending the same. Short title and incorporation.

2. Section 44 of the principal Act is hereby repealed, and the next following section substituted therefor:— Repeal of sec. 44 of Act 1 of 1862.

"44. In addition to all other fees payable by him, any party to a civil action in the Supreme Court who shall apply for either a Common or Special Jury shall, at the time of so applying, pay to the Sheriff the sum of Five Pounds; and each day, after the first day, before the trial of the said action commences for that day, or the assessment of damages is proceeded with (as the case may be), such party shall pay to the Sheriff an additional sum equal to Ten Shillings for every jurymen empannelled to try such action. Substituted section.

"The Associate before entering the record shall satisfy himself that the said sum of Five Pounds has been paid, and no action shall be called on in the said Court for trial or assessment of damages on any day unless such respective sums have been previously paid as aforesaid."

The Jury Act Further Amendment Act.—1907.

Repeal of sec. 1
of Act No. 7 of
1865-6.

3. Section 1 of the Act No. 7 of 1865-6 is hereby repealed, and the next following section substituted therefor:—

Substituted section.

“1. The Supreme Court or a Judge thereof may, if it or he see fit, in any case, upon sufficient cause being shown on affidavit or otherwise, to the satisfaction of such Court or Judge, dispense with payment of the moneys required to be paid by this Act.”

Costs in the cause.

4. Such Court or Judge may order that the fees of the jury be costs in the cause.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 924.

An Act to apply, out of the General Revenue, the sum of Four Hundred Thousand Pounds to the Service of the Year ending the Thirtieth day of June, one thousand nine hundred and eight.

[Assented to, November 13th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. Out of the General Revenue of South Australia there shall be issued and applied, from time to time, for the service of the year ending the thirtieth day of June, one thousand nine hundred and eight, any sums of money not exceeding in the whole the sum of Four Hundred Thousand Pounds.

Issue and application of £400,000.

2. No payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the year ended the thirtieth day of June, one thousand nine hundred and seven, except so far as such rates are affected by the "Civil Service Act, 1874," or by departmental regulations.

Payments not to exceed last year's Estimates.

Exception.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 925.

An Act to amend "The Savings Bank Amendment Act, 1903," and for other purposes.

[Assented to, November 20th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Savings Bank Branches Act, 1907," and, except so far as inconsistent with "The Savings Bank Act of 1875" (hereinafter called "the principal Act"), or "The Savings Bank Amendment Act, 1903" (hereinafter called "the amending Act"), shall be incorporated and read as one with them.

Short title and incorporation.

2. The word "prescribed" shall mean prescribed by the Trustees by minute, order, or rules.

Interpretation.

3. Section 19 of the amending Act is hereby amended by adding the following words at the end thereof:—"Provided that the Trustees shall not invest the funds of the Bank in any securities of or guaranteed by any other State in the Commonwealth of Australia, unless by any such investment they can obtain a higher rate of interest or greater advantages than could be obtained by investment in securities of or guaranteed by the Government of South Australia, and which are available at the time of such investment."

Trustees not to invest funds of Bank in other than South Australian securities under certain circumstances.

Amendment of sec. 19 of Act 824 of 1903.

4. The Trustees are hereby empowered to establish, under their immediate government, at such places within the State as they shall select, as many branches of the Bank as they shall determine, and to appoint and empower such officers, clerks, and servants as they shall think

Power to establish branches: supplementary powers.

The Savings Bank Branches Act.—1907.

think proper or necessary to transact such business of the Bank as the Trustees shall entrust to them, and to direct that the business of any existing or future agency of the Bank shall be transacted with any branch thereof, and to at will rescind or vary such direction. Every branch office of the Bank shall be an authorised office for the receipt and repayment of deposits, and for the keeping of depositors' accounts.

Power to assign duties and make orders.

5. The Trustees may give such subordinate powers and assign such duties as they may think fit to the officers, clerks, and servants of the Bank at each branch office thereof, and may make such general, special, and other orders as they shall think fit for the management, guidance, government, conduct, and information of such officers, clerks, and servants, and of the depositors, agents of Bank, and other persons who deposit money or transact business at or with any branch office of the Bank.

Payment into and withdrawal from other banks of moneys received at branch offices.

6. The words "in Adelaide," in the fourteenth section of the amending Act are hereby repealed, and the words "or branches thereof in the State" are substituted for them, and that section shall henceforward be read and construed accordingly; and the Trustees of the Bank may make arrangements that all moneys received at any branch office shall be paid into some other Bank, or branch thereof, approved by the Trustees, and shall be withdrawn therefrom in such a manner as shall be determined by them.

Audit of accounts of branch offices.

7. The Trustees may, from time to time, by minute of the Board, appoint some fit and proper person or persons as auditor or auditors to jointly or separately examine the accounts of each and any branch office of the Bank, and the deposit-books of the depositors whose accounts are kept at such branch. The auditor or auditors appointed as above shall report, whenever called upon to do so, to the auditors appointed under section 43 of the principal Act.

Power to receive sums of not less than One Penny, and to appoint agents for such purpose.

8. The Trustees are hereby empowered to establish in connection with the Bank a Department, to be designated "The Penny Bank Department," for the receipt (notwithstanding any provisions of the said Acts) by way of deposit in that Department from or for the use or benefit of any person (hereinafter called a depositor) of any sum of money of not less than One Penny, and to appoint by minute of the Board any one or more persons to be, at such place or places in the State as the Board may determine, the agent or agents of the Bank for the receipt and repayment of such deposits, and to revoke by minute any such appointments, and to make such rules as they may think fit for the guidance and control of the agents and depositors, and for the proper conduct of such Department.

Trustees may close branches or agencies.

9. The Trustees may at any time close—

- (a) Any branch of the Bank:
- (b) The Penny Bank Department, or any agency thereof.

10. Notwithstanding

The Savings Bank Branches Act.—1907.

10. Notwithstanding any provisions of the said Acts, the Trustees may repay to any depositor in "The Penny Bank Department" the whole or any portion of the moneys received by way of deposit from him or for his use or benefit: Provided that such depositor shall sign his name to a form provided by the Trustees for the withdrawal of such deposit or portion thereof.

Repayments.

11. The Trustees may enter into arrangements with any Savings Bank authority in the United Kingdom of Great Britain and Ireland, or in any State of the Commonwealth, or in any other British possession, or in any other country—

Transfer of deposits from or to other Savings Banks.

Cf. 4 Edw. VII., c. 8, s. 12.

(a) For the transfer, on such terms and conditions as may be prescribed, of any money standing in the books of such a Savings Bank to the credit of depositors therein from it to "the Bank" or from "the Bank" to such a Savings Bank:

(b) For the payment, on such terms and conditions as may be prescribed, of any money standing in the books of such a Savings Bank to the credit of depositors therein to them through the agency of "the Bank," and for the payment, on such terms and conditions as may be prescribed, of any money standing in the books of "the Bank" to the credit of depositors therein to them through the agency of such a Savings Bank.

12. The Trustees may, whenever necessary, appropriate from the Reserve Fund such sum or sums of money as may be requisite for the purpose of meeting depreciations in investments.

Application of Reserve Fund towards depreciation.

13. In addition to the societies, trades unions, and employers' unions, corporations, and councils authorised by the amending Act to deposit moneys with the Trustees of the Bank, it shall be lawful for all trades unions and employers' unions, whether legally registered or not, to so deposit the moneys of such trades unions and employers' unions subject to the same conditions as apply to the ordinary depositors of the Bank.

Deposits by unregistered bodies.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 926.

An Act to amend Ordinance No. 4 of 1843, intituled "An Ordinance appointing the Fees to be taken by Magistrates in South Australia," and for other purposes.

[Assented to, December 12th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Magistrates Fees Amendment Act, 1907," and shall be read and incorporated with Ordinance No. 4 of 1843.

Short title and
incorporation.

2. Notwithstanding any of the provisions of the said Ordinance, no person who is or has been a Magistrate or Justice of the Peace, nor his executors or administrators, shall be liable to any process, penalty, or action whatever in respect of any omission by any such Magistrate or Justice of the Peace, whether before or after the passing of this Act, to demand, receive, or take any of the fees referred to in the Schedule A of the said Ordinance, nor in respect of any omission by any such Magistrate or Justice of the Peace before the passing of this Act to make any such return as is referred to in section 3 of the said Ordinance.

Indemnity for not
taking fees nor
making returns.

3. Section 1 of the said Ordinance is hereby amended by omitting therefrom the words "shall and" before the words "may demand, receive, and take."

Amendment.
Fees discretionary.

4. Section 3 of the said Ordinance is hereby amended by adding at the end thereof the words "Provided, however, that this section shall

Amendment.
No return necessary if
no fees taken.

The Magistrates Fees Amendment Act —1907.

shall not apply to any Magistrate or Justice of the Peace who has not actually received any such fees, fines, and penalties, or sums of money as aforesaid, since the last return made by him."

Amendment.
Abolition of certain
fees.

5. Schedule A of the said Ordinance is hereby amended by omitting therefrom the following words and figures:—

"Oath, affirmation, or declaration (except for naval or military pensions) each	£0 1 0
Drawing any other document required in the discharge of magis- terial duties not enumerated above, per folio of seventy-two words	0 1 0"

Meaning of the
letters "J.P."

6. The letters "J.P." appearing after any signature in or upon any instrument, certificate, or other document shall have and shall be taken to have the same meaning and effect as though instead thereof appeared the words "one of His Majesty's Justices of the Peace in and for the State of South Australia," unless it shall appear from the said instrument, certificate, or other document that such signature was affixed out of the said State, or unless another meaning shall be indicated in or upon the said instrument, certificate, or other document.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 927.

An Act to Provide for the Detention and Control of
Habitual Criminals.

[*Assented to, December 12th, 1907.*]

BE it enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows :

PRELIMINARY.

1. This Act may be cited as the “Habitual Criminals Amend- Short title.
ment Act, 1907.”

2. “Indictment” includes any information presented or filed as Definition
provided by law for the prosecution of offences.

“Regulations” means regulations made under this Act.

HABITUAL CRIMINALS.

3. When any person is convicted on indictment of an offence of Judge may declare
convicted person
an habitual
criminal.
one of the classes of offences mentioned in the Schedule to this Act,
the following provisions of this section shall take effect—

(a) Where such person is so convicted of an offence included in
classes I., II., III., or IV. of the offences mentioned in the
Schedule, and has been previously so convicted on at least
two occasions of an offence of the same class, the Judge
before whom such person is so convicted, may, in his dis-
cretion, declare as part of the sentence of such person that
he is an habitual criminal :

(b) Where such person is so convicted of an offence included in
any or either of the classes V., VI., VII., or VIII.
mentioned

Habitual Criminals Amendment Act.—1907.

mentioned in the Schedule to this Act, and has been previously convicted on at least three occasions of an offence mentioned or included in any or either of the said classes V., VI., VII., or VIII., such Judge may, in his discretion, declare as aforesaid that such person is an habitual criminal.

This section shall apply whether such previous convictions took place within or without South Australia, and either before or after the commencement of this Act.

Proof of previous conviction.

4. For the purposes of this Act, a previous conviction against any person may be proved by producing a record or extract of such conviction, and by giving proof of the identity of such person with the person appearing in the record or extract of conviction to have been convicted.

A record or extract of a conviction shall consist of—

- (a) An extract from the indictment or the counts of the indictment on which the said person was convicted:
- (b) A statement of the verdict:
- (c) A statement of the sentence:

certified under the hand of the Clerk of the Court or other officer purporting to have the custody of the records of the Court by which such conviction was made.

Such record or extract shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

The mode of proving a previous conviction authorised by this section shall be in addition to, and not in exclusion of, any other authorised mode of proving such conviction.

DETENTION OF HABITUAL CRIMINALS.

Habitual criminal to be detained during pleasure.

5. Every habitual criminal shall, at the expiration of his sentence, be detained during His Majesty's pleasure, and, subject to the regulations, in some place of confinement set apart by the Governor, by Proclamation in the *Gazette*, for that purpose.

Habitual criminal to work at some trade.

6. Every person confined as an habitual criminal shall, subject to the regulations, be required to work at some trade or avocation, and shall be offered facilities for selling or otherwise disposing of the products of his labor.

The manner of dealing with the proceeds arising from the sale or disposal of such products shall be as prescribed:

Provided that the habitual criminal shall receive not less than one-half of such net proceeds.

7. If

Habitual Criminals Amendment Act.—1907.

7. If the Governor determines that an habitual criminal is sufficiently reformed, or for other good cause, he may, by his warrant, direct his release. Governor may direct his release.

Every habitual criminal so released while he remains within South Australia shall, once at least in every three months during the period of two years next after such release, report his address and occupation to the Commissioner of Police.

Such report may be made either by the habitual criminal personally, or by letter signed by him, and posted to the Commissioner of Police at Adelaide.

8. If during the period of two years specified in the last preceding section an habitual criminal so discharged— Conditions under which offender may be recommitted.

- (1) Is proved to any Court presided over by a Stipendiary Magistrate or two Justices of the Peace to have failed without reasonable excuse to report his address and occupation to the Commissioner of Police at the times and in the manner prescribed by the last preceding section; or
- (2) On being charged with an offence punishable on indictment, or summary conviction, and on being required by the Stipendiary Magistrate or the Justices before whom he is charged to give his name and address, refuses to do so, or gives a false name, or a false address; or
- (3) Is convicted of any one of the offences mentioned in either of sections Nos. 62, 63, and 64 of the "Police Act, 1869," or of any indictable offence, or of any offence punishable on summary conviction, for which imprisonment for a period exceeding three months may be imposed;

then, and in any of such cases, the Judge, Stipendiary Magistrate, or Justices before whom such proof is given, or before whom the habitual criminal is so charged, or convicted, may direct him, in addition to any fine or on the completion of any term of imprisonment then imposed upon him, to be recommitted to the place of confinement, and he shall be so recommitted accordingly, and the Judge, Stipendiary Magistrate, or Justices may grant any necessary warrant for his committal.

9. If during the period of two years, specified in section 7 of this Act, none of the events aforesaid happen, the offender shall cease to be an habitual criminal. Otherwise ceases to be an habitual criminal.

10. No female shall be allowed to enter the place of confinement set apart for male habitual criminals, nor shall any male be allowed to enter the place of confinement set apart for female habitual criminals, except in accordance with the regulations. Males and females to be kept apart.

11. No person shall bring into the place of confinement for the use of the confinees any alcoholic liquor, nor shall any confinee be allowed Alcoholic liquor prohibited.

Habitual Criminals Amendment Act.—1907.

allowed such liquor. Any person contravening the provisions of this section shall be liable to a penalty not exceeding One Hundred Pounds:

Provided that such liquor may be given to and used by the confinees in cases of illness for medicinal purposes if the same shall be prescribed by the surgeon of such place of confinement.

SUPPLEMENTAL.

Regulations.

12. The Governor may make regulations—

Prescribing the mode of sale and disposal of the products of the labor of the habitual criminals:

Prescribing the disposal of the net proceeds of such sale:

Empowering a visiting Magistrate to inflict fines not exceeding Ten Shillings on confinees for breaches of discipline:

And all other such regulations as may be necessary for the good order, discipline, and health of the confinees and for the control and management of the place of confinement.

All such regulations shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, and if not, then within one month after the commencement of the next ensuing Session, and shall be published in the *Gazette*. On such publication the regulations shall be valid in law, but no regulations which shall be disapproved of by either House of Parliament within thirty days after such regulations have been laid before such House if Parliament be so long in Session, or which, if such Parliament be not so long in Session, shall be so disapproved of within thirty days after the commencement of the next Session of Parliament, shall continue to have any force or effect, notwithstanding any publication as aforesaid.

Place of confinement to be a prison within meaning of Prisons Act.

13. Any place of confinement under this Act shall be a "prison" within the meaning of the "Prison Act, 1869."

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

Habitual Criminals Amendment Act.—1907.

SCHEDULE.

=====

Classification for the purposes of this Act of sections of "The Criminal Law Consolidation Act, 1876."

- Class I. Sections 28 to 32 inclusive—Wounding.
" II. Sections 33 to 35 inclusive—Poisoning.
" III. Sections 60 to 75 inclusive—Sexual offences.
" IV. Sections 78 to 79 inclusive—Abortion.
" V. Sections 160 to 163 inclusive—Robbery.
 Sections 164 to 170 inclusive—Extortion.
 Sections 171 to 180 inclusive—Burglary, &c.
 Sections 134 to 139, and 182 to 183 inclusive—Larceny.
 Sections 188 to 212 inclusive—Embezzlement.
 Sections 213 to 221 inclusive—False pretences.
" VI. Sections 81 to 88 inclusive—Arson.
" VII. Under any of the sections in Part V. of "The Criminal Law Consolidation Act, 1876"—Forgery.
" VIII. Under any of the sections in Part VI. of "The Criminal Law Consolidation Act, 1876"—Coinage.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 928.

An Act to amend the "Pinnaroo Railway Act."

[*Assented to, December 12th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Pinnaroo Railway Act Amendment Act, 1907," and shall be incorporated and read as one with the "Pinnaroo Railway Act" (hereinafter called "the principal Act.")

Short title.

2. The holder of any agreement under section 8 of the principal Act may, upon payment of the usual fees, surrender such agreement and obtain a new agreement in lieu thereof, and as regards any agreement so surrendered made prior to the first day of September, one thousand nine hundred and six, the new agreement shall date and commence as from the said first day of September, and the holder shall be credited in or towards payments due or becoming due under the new agreement with all principal moneys paid under such surrendered agreement on account of the purchase of the land included therein.

Existing agreement may be surrendered for new.

3. Section 11 of the principal Act is hereby amended by striking out the last line thereof and substituting therefor the words "under 'The Crown Lands Act, 1903,' or any amendment thereof."

Amendment of sec. 11 of principal Act. Ibid.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 929.

An Act to amend the Laws relating to the Registration of Births, Marriages, and Deaths.

[Assented to, December 12th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Births, Marriages, and Deaths Registration Amendment Act, 1907." Short title.
2. The Sixth Schedule to "The Marriage Act, 1867," is hereby amended by inserting after the fourth column thereof, headed "Age," an additional column, headed "Place and Country of Birth." Amendment of Act 16 of 1867.
3. The Act No. 851 of 1904, intituled, "An Act to amend 'The Registration of Births and Deaths Act, 1874,'" is hereby repealed. Repeal of Act 851 of 1904.
4. Section 24 of "The Registration of Births and Deaths Act, 1874," is hereby amended by adding the words "or District Registrar" after the words "Deputy Registrar" in the second line thereof. Certified copies made evidence.
5. Section 20 of "The Registration of Births and Deaths Act, 1874," is hereby repealed, and the following substituted therefor:—Certificate of death.

20. Every medical practitioner who shall have been in attendance upon any person deceased, or who shall have examined the body, shall deliver to the nearest of kin, occupier, or other person required to give information of the death to the District Registrar,

Births, Marriages, and Deaths Registration Amendment Act.—1907.

Registrar, a certificate under his hand according to the form in the Sixth Schedule to this Act, setting forth to the best of his knowledge and belief the cause of death, which certificate such nearest of kin, occupier, or other person shall, when notifying the death, deliver to the District Registrar or Registrar-General, and such medical practitioner refusing or neglecting to give such certificate shall be liable to a penalty of not exceeding Five Pounds.

Powers of Deputy Registrar.

6. The Deputy Registrar of Births and Deaths appointed under "The Registration of Births and Deaths Act. 1874," shall have the same powers and may perform and exercise the same duties and authorities as the Registrar-General of Births and Deaths.

Fees to be paid into revenue.

Act 851 of 1904, sec. 1.

7. From and after the twenty-fourth day of November, one thousand nine hundred and four, all fees levied and received by any Deputy Registrar of Births and Deaths, District Registrar, Assistant Registrar, or other person authorised under any Act relating to the levying, receiving, or collecting of fees for the registration of births and deaths, shall be forthwith forwarded by the persons so levying, receiving, or collecting to the Registrar-General of Births and Deaths, at Adelaide, and shall be applied to the purposes of the General Revenue of the State: Provided, nevertheless, that when a Registrar is only an Assistant Registrar this section shall not apply to the fee of Two Shillings and Six Pence levied and received by him in connection with the late registration of a birth or a death, which last-mentioned fee shall be retained by such Assistant Registrar for his services in connection with such late registration.

Forms.

8. The forms in the Schedules hereto shall hereafter be used as the forms of certificates of the registration of births and deaths respectively.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

SCHEDULES.

FIRST SCHEDULE.

Certificate of Birth.

Entered at the	Registry Office, this	day of	, 19 .	Registrar.
			(Signature of)	
NOTE.—When the birth takes place in or at any public or private building used as a hospital, lunatic or destitute asylum, nursing or lying-in home, prison or reformatory, the name by which such building is known must also be entered in the first column.				

NOTE.—When the birth takes place in or at any public or private building used as a hospital, lunatic or destitute asylum, nursing or lying-in home, prison or reformatory, the name by which such building is known must also be entered in the first column.

SECOND SCHEDULE.

Certificate of Death.

Entered at the	Registry Office, this	day of	, 19 .	Registrar.
				(Signature of)
NOTE.—When the deceased is a young person of no occupation, or a child, or a married woman, or a widow, the rank can be entered, as the case may require, thus :—“ Son of (or wife of) John James Brown, tailor,” or “ Widow of the late Thomas Jones, carpenter.” When the death takes place in or at any public or private building used as a hospital, lunatic or destitute asylum, nursing or lying-in home, prison or reformatory, the name by which such building is known must also be stated in the twelfth column.				

NOTE.—When the deceased is a young person of no occupation, or a child, or a married woman, or a widow, the rank can be entered, as the case may require, thus :—“ Son of (or wife of) John James Brown, tailor,” or “ Widow of the late Thomas Jones, carpenter.” When the death takes place in or at any public or private building used as a hospital, lunatic or destitute asylum, nursing or lying-in home, prison or reformatory, the name by which such building is known must also be stated in the twelfth column.



ANNO 3 SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 930.

An Act to prevent the Adulteration of Wine and Brandy.

[*Assented to, December 12th, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Adulteration of Wine and Brandy Act, 1907," and shall come into operation on a day to be fixed by Proclamation. Short title and commencement.

2. In this Act, unless the context otherwise requires— Interpretation.

"Analyst" means the Government Analyst for the time being, or any person appointed by the Governor as analyst under this Act:

"Bottle" means any vessel made of glass or earthenware containing wine, brandy, sparkling wine, or other such beverage:

"Brandy" means spirit distilled from wine, either with or without the addition of such substance or substances as may be prescribed, and made in accordance with the provisions of the Excise Act of the Commonwealth:

"Minister" means the Minister of Agriculture or such other Minister as the Governor may from time to time appoint to administer this Act:

"Prescribe" means prescribe by regulations:

"Prescribed"

The Adulteration of Wine and Brandy Act.—1907.

“ Prescribed ” means prescribed by regulations made under this Act :

“ Regulations ” means regulations made under this Act :

“ Sparkling wine ” means wine surcharged with carbonic acid gas (and whether sugar and pure wine spirit, or either of them, has or has not been added thereto), and includes champagne :

“ Wine ” means the product of the alcoholic fermentation of the juice or must of fresh grapes, either with or without the addition of any substance or substances natural to such must, and such other substances, and in such quantities, as may be prescribed.

Brandy and wine with prohibited additions not to be sold.

3. No person shall manufacture, or have in his possession, or sell, advertise, offer, keep, expose, or deliver for sale, whether wholesale or retail, or exchange, authorise, direct, or permit the sale, under the name of brandy, wine, or sparkling wine, or under any name commercially or popularly used as a designation of brandy or wine, any brandy or any kind or class of wine to which, either before, during, or after the making of the same, any substance or substances has or have been added other than those which the Governor may from time to time prescribe.

Governor may prescribe.

4. The Governor may from time to time prescribe what substances, and the quantities thereof, may be added to such brandy, wine, sparkling wine, or other such beverage as aforesaid, and the manner in which the same may be added.

Certain additions prohibited.

5. No person shall add or cause to be added to brandy or wine, sparkling wine, or other such beverage as aforesaid, either during or after the making of the same, any substance other than those which the Governor may from time to time prescribe.

Medicinal additions.

6. The provisions of the last two preceding sections shall not apply to the mixing of brandy or wine with any drug if the mixture is *bonâ fide* intended for medicinal purposes only, and is not intended for use, or sold for use, or is not commonly in use, as a beverage, and provided such mixture is made and labelled as may be prescribed.

Labelling.

7. No person shall sell, expose, offer, or deliver for sale any bottled liquid as wine unless each bottle is distinctly labelled with the name and address of the bottler.

Carbonated liquids.

8. No person shall sell or expose or offer or deliver for sale any sparkling wine in which the excess of carbonic acid gas arises from direct addition thereof, unless the bottle containing such wine is labelled with the word “ Carbonated ” in letters at least as large and distinct as any letter on the label or bottle.

9. (a) The

The Adulteration of Wine and Brandy Act.—1907.

9. (a) The analyst, and any other person having authority in writing from the analyst, may, on producing such authority, enter any vineyard, store room, wine cellar, store, vessel, shop, shed, hotel, building, vehicle, or other place or premises which he has reasonable grounds for believing is or are kept or used for making, storing, carrying, selling, or exposing for sale, brandy, wine, or other liquid having the chief characteristic of brandy or wine, or some of them, whether made or in process of making, and may inspect such liquid. Analyst.
Powers.

(b) The analyst, or such authorised person, may require the owner or any person apparently in charge of any such brandy, wine, or other liquid, or the place wherein it is situate, to sell to him, and such owner or person shall sell to him, at a reasonable price, so much of such brandy, wine, or other liquid as he may require. The analyst, or such authorised person, shall inform the vendor that he intends to analyse or have analysed the liquid so purchased.

(c) The purchaser shall, in the presence of the vendor, divide the liquid purchased into three parts, and place each part in a separate receptacle, and secure, mark, and seal each such receptacle, and shall give one such receptacle to the vendor and retain one for identification or future comparison, and shall analyse or give to the analyst for analysis the third part.

10. The analyst shall forward to the Minister a certificate under his hand of his analysis. Certificate.

11. The production of any such certificate purporting to be given or signed by the analyst shall, in any legal proceedings, be *prima facie* evidence of the facts therein stated, without proof of the appointment of the analyst or the signature thereto. Evidence.

12. No person shall sell, expose, offer, or deliver for sale in any receptacle having thereon or on the brand or label thereof the word "wine," any beverage made from fruit or from any article other than grapes, unless the word "wine" is preceded by the name of such fruit or article in letters at least as large as the letters of the word "wine" thereon. Beverages other than
grape wine.

13. Any person guilty of any offence against or contravention of the provisions of this Act, shall, for each such offence or contravention, be liable to a penalty not exceeding Fifty Pounds. Penalty.

14. The Governor may make regulations as to any matters whatsoever in order to give effect to this Act, provided such regulations are not repugnant to the provisions hereof, and may therein impose penalties for the breach thereof not exceeding Fifty Pounds for each offence. Regulations.

The Adulteration of Wine and Brandy Act.—1907.

Publication.

15. All such regulations shall be published in the *Government Gazette*, and shall be laid before Parliament within fourteen days of the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the commencement of the first Session of Parliament thereafter. Notwithstanding any publication thereof no such regulations shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no such regulations shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Legal proceedings.

16. Proceedings for any breach of this Act or the regulations or any of the provisions thereof shall be had and taken before, and may be determined in a summary way by, a Special Magistrate or two Justices of the Peace for the said State, and such proceedings shall be regulated by the Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," or any other Act or Acts for the time being in force relating to summary procedure; and all convictions and orders may be enforced as in such Acts is or shall be provided.

Appeal.

17. There shall be an appeal to the Local Court of Adelaide in its Full Jurisdiction from any conviction or order dismissing any information, and such appeal shall be conducted in manner provided for appeals to Local Courts under the said Ordinance No. 6 of 1850. or any Act for the time being in force regulating such appeals.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 931.

An Act for the Suppression of Brothels and for other purposes.

[Assented to, December 12th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Suppression of Brothels Act, Short title. 1907."

2. In this Act the term "brothel" shall mean any house or premises, or part of any house or premises, or any place to which people of opposite sexes resort for the purposes of prostitution, and shall include any house or premises, or part of any house or premises, or any place occupied by a woman or women who is or are accustomed to receive men, or where men are received, for sexual purposes.

Definition of brothel.

3. Any person who—

- (a) Keeps, or manages, or acts or assists in keeping or managing a brothel, or is in receipt of the whole or part of the moneys received therein; or
- (b) Being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of prostitution; or
- (c) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel or for the purposes

Prohibition against brothel-keeper.

Compare Imp. Act, 1885, ch. 69, Part II.

The Suppression of Brothels Act.—1907.

of prostitution, or is wilfully a party to the use of such premises or any part thereof as a brothel or for the purposes of prostitution,

shall be liable—

- (1) For the first offence to a penalty not exceeding Twenty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labor;
- (2) For the second offence to a penalty not exceeding Forty Pounds, or to imprisonment for any term not exceeding four months, with or without hard labor;
- (3) For the third or any subsequent offence to the pecuniary penalty mentioned in the immediately preceding subsection, and, in addition, to be required by the Court to enter into a recognizance (with or without sureties, as to the Court seems meet) to commit no offence under this Act for any period not exceeding twelve months; and in default of entering into such recognizance (with or without sureties, as the case may be), to be imprisoned for any period not exceeding six months with hard labor:

Provided that there shall be no prosecution under this section unless the same shall be authorised in writing by the Commissioner of Police or any Superintendent, Inspector, Sub-Inspector, or Sergeant of Police, who shall in such authority certify that he has reason to believe that the house or premises in respect to which any person is to be prosecuted is a brothel, or used for the purposes of prostitution.

Act not to affect other liability.

4. Nothing in this Act shall operate to relieve any person from any proceedings whatsoever to which he would prior to the passing of this Act have been liable either at common law or by Statute.

Legal procedure.

5. Proceedings for any offence under this Act may be taken and determined by a Special Magistrate or two Justices of the Peace for the said State, and such proceedings shall be regulated by the Ordinance No. 6 of 1850, and "The Justices Procedure Amendment Act, 1883-4."

Appeal.

6. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction from any order of conviction or dismissal upon any proceedings under this Act, and such appeal shall be heard and determined in manner prescribed by the said Ordinance No. 6 of 1850.

Woman refusing to disclose name of keeper deemed to be herself the keeper of a brothel.

7. On refusal or failure by any woman found in any brothel to disclose the manager thereof such woman shall be deemed to be the keeper or manager or one of the keepers or managers thereof; and any male person resident therein, or being the husband of any woman residing, managing, or assisting therein, except such husband shall be judicially separated and *bonâ fide* living apart from his wife, shall

The Suppression of Brothels Act.—1907.

shall be *prima facie* deemed to be the recipient of the whole or part of the moneys taken therein.

8. Any contract or agreement to let any house or premises is hereby declared to be null and void if by its terms such contract or agreement appears to the Court to raise the presumption that the lessor, landlord, or owner knew or ought to have known that such house or premises would be used as a brothel or for the purposes of prostitution, and no action for rent, or other legal proceedings in respect of rent, shall be maintainable in respect of such contract, agreement, or premises.

Contract to let premises as a brothel null and void.

9. Any contract or agreement to let any house or premises which, subsequently to the making of such contract or agreement, shall become or be used as a brothel, or for the purposes of prostitution, shall thereupon be determined and rendered null and void, and thereupon the lessor, landlord, or owner shall be entitled to and may recover possession thereof; and the provisions in the preceding section with regard to rent shall apply in such case also, except that on proof by the lessor, landlord, or owner of his ignorance of the fact that such house or premises had become or were used as a brothel, or for the purposes of prostitution, he shall be entitled to recover from his tenant such sum by way of rent as the Court shall deem equitable during such time as the lessor was so ignorant as aforesaid.

Contract to let rendered null and void when premises become a brothel.

10. It shall be lawful for any police constable, authorised in writing by the Commissioner of Police or any Superintendent, Inspector, Sub-Inspector, or Sergeant of Police, to demand entrance at any time by day or night into any house which is, or is reported to be, or is *bona fide* believed to be, a brothel or place used for the purposes of prostitution; and if admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, such constable may break into and employ force to enter any such house or place as aforesaid, and into any inner room thereof: Provided that such constable shall, at the time of making such demand, or upon entering the said house or place, produce such written authority as aforesaid.

Power to police to enter.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 932.

An Act to provide for an Extension of the Port Lincoln Railway, and for other purposes.

[Assented to, December 12th, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Port Lincoln Railway Extension Act, 1907," and shall be incorporated and read with the Acts set forth in the Schedule hereto and all other Acts now or hereafter passed amending the said Acts, or any of them, so far as the same are severally applicable to this Act.

Short title and
incorporation.

2. The South Australian Railways Commissioner (hereinafter called "the Commissioner") may make and maintain an extension of the existing line of railway from Port Lincoln, together with all proper works and conveniences connected therewith, as the same is delineated in the plan deposited at the office of the Surveyor-General, at Adelaide, signed "Alex. B. Moncrieff, Engineer-in-Chief," and dated the eighteenth day of November, one thousand nine hundred and seven.

Power to make
railway.

3. The gauge of the said railway shall be three feet six inches, and the rails to be used in the construction thereof shall be of iron or steel, and of the weight of not less than forty pounds to the yard.

Gauge.

4. In assessing the purchase-money or compensation to be paid in respect of land purchased or taken for the purposes of the undertaking hereby authorised, an allowance shall be made in favor of the Commissioner for any increased value given by such undertaking

Betterment provision.

The Port Lincoln Railway Extension Act.—1907.

to the land of the same owner, but no such allowance shall in any case be more than the purchase-money and compensation payable to the owner.

Powers of Commissioner. Tolls and charges.

5. The Commissioner may demand for the use of the said railway, and the carriage of goods and passengers thereon, and for the loading and unloading of goods, such tolls and charges as may from time to time be fixed in manner prescribed by any Act or Acts under which the Commissioner fixes tolls and charges in respect of the railways under his control.

Appropriation of tolls, etc.

6. All tolls, rents, dues, charges, and sums of money which may be received and levied under authority hereof shall be paid in such manner as the Governor may prescribe to the Treasurer for the public purposes of the said State.

Tenders to be called for.

7. The Commissioner shall call for tenders for the construction of the railway within such time, at such place, and upon such terms, conditions, and provisions as he may deem advisable, and may accept or reject any tender. The Government may tender at the same time and on the same conditions.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

The Port Lincoln Railway Extension Act.—1907.

THE SCHEDULE.

“The Lands Clauses Consolidation Act”; Act No. 26 of 1855-6 to amend “The Lands Clauses Consolidation Act.”

“The Lands Clauses Consolidation Amendment Act, 1881.”

“The Railway Clauses Consolidation Act”; Act No. 6 of 1858 to amend “The Railway Clauses Consolidation Act.”

“The Railway Clauses Act, 1876.”

“The South Australian Railways Commissioners Act, 1887.”

“The Port Lincoln Railway Act, 1905.”



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 933.

An Act to further amend the Renmark Irrigation Trusts Acts, and for other purposes.

[Assented to, December 21st, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Renmark Irrigation Trusts Acts Amendment Act, 1907," and shall be incorporated with "The Renmark Irrigation Trusts Acts." Short title and incorporation.

2. Subsection (1) of section 15 of "The Renmark Irrigation Trusts Act, 1893," hereinafter called the principal Act; and subsection (1) of section 10 of "The Renmark Irrigation Trusts Loan Amendment Act, 1900," are hereby repealed. Repeal.

3. The principal Act is hereby amended as follows:—

Amendment of principal Act.

(a) By striking out in subsections (5) and (6) of section 15 the words "and of Chaffey Brothers, Limited":

(b) By striking out, in the sixth line of section 25, the words "one month," and substituting the words "six months" therefor:

(c) By striking out the whole of section 46, and substituting the following new section therefor:—

"46. Except where otherwise provided, no person shall be entitled to nominate a candidate for election or to vote at any election or poll of ratepayers unless, before

the

The Renmark Irrigation Trusts Acts Amendment Act.—1907.

the day of nomination, in the case of an election, or at least ten days before any poll, all sums then due in respect of any rate or rates upon all land within the district for the payment of which he is primarily liable have been paid: Provided such rate or rates have been declared six months prior to such election; and any ratepayer or collector of rates or scrutineer appointed under this Act may object to any person voting if such rates are not paid. The clerk shall cause a list of all persons whose rates are paid in accordance with the provisions hereof to be prepared for use at every polling-place, and such list shall constitute the voters' roll in respect of such polling-place; and, for the purpose of the annual elections, such list shall be compiled from the assessment-book for the year ending June thirtieth preceding the day of election":

(d) 1. By striking out in the ninth line of section 122 of the principal Act the words "this part of this Act," and by substituting therefor the words "section 120":

11. The last-mentioned section shall operate as regards rates either accrued or hereafter accruing due:

(e) By striking out subsection v. of section 127, and substituting the following new subsection therefor:—

"v. At any election or poll every person of the age of eighteen years or upwards, whose name appears as a ratepayer in the assessment-book in force for the time being, shall have one vote for every acre of ratable land in respect of which he is assessed. Any such ratepayer who at the time of the holding of the election or poll is distant more than twenty miles from the polling-booth, or is unable to attend owing to illness, may, subject to the proviso hereinafter contained, vote by his attorney under power, such power to be produced to the Returning Officer at the election or poll: Provided that a statutory declaration by such ratepayer as to his absence or intended absence, or as to such illness, be produced to the Returning Officer, together with such power. Any such declaration shall be conclusive evidence of such absence or illness, as the case may be":

(f) By inserting in subsection ix. of section 127 the words "or voting papers" after the words "voting paper" wherever the latter words occur in that subsection.

Previous sales
validated.

4. Any order for sale heretofore made by the Supreme Court or a Judge thereof under the principal Act and all sales made and titles acquired pursuant to any such order are hereby confirmed and validated.

Notice of application
a condition precedent.

5. No application under section 122 of the principal Act shall be made to the Court unless it shall be then shown that at least one month

The Renmark Irrigation Trusts Acts Amendment Act.—1907.

month prior to such application the Trust posted a notice or notices addressed to the person or persons who at the time of such posting appeared in the register-book at the Lands Titles Registration Office at Adelaide as having any interest in the land in respect whereof an order for sale is sought. Such notice may be in the form in the Schedule hereto or to the like effect, and shall be deemed to be a sufficient notice of the said application to all persons concerned, but the non-receipt of such notice shall not affect any sale made under an order of the Court.

6. In every case where land has heretofore been or may hereafter be offered for sale, pursuant to the provisions of section 122 of the principal Act, but no sale has thereupon taken place, the Trust may at any time thereafter, without any further application to the Supreme Court, and without any further notice in the *Government Gazette* or to any person, sell such land either by public auction or private contract, and without any reserve or upset price, if the rates which were in arrear at the date when such land was first offered for sale as aforesaid, or any part of such rates, shall still remain unpaid.

After once offered for sale and unsold, lands may be sold privately.

7. When any land is offered for sale by public auction, pursuant to the said section 122 or to section 4 hereof, it shall be lawful, notwithstanding any other enactment, for the clerk of the Local Court at Renmark aforesaid, if at the time of such sale being ordered or determined upon there shall be no licensed auctioneer carrying on business at Renmark, to act as the auctioneer at such auction without taking out any licence in that behalf, and such clerk shall be entitled to be paid by the Trust the ordinary remuneration for his services as if he were a licensed auctioneer.

Clerk of Local Court may act as auctioneer.

8. The proceeds of such sale, after payment of the expenses thereof and incidental thereto, shall be applied in payment—

Application of proceeds.

Firstly. Of such unpaid rates as aforesaid, together with interest thereon at the rate of Ten Pounds per centum per annum ;

Secondly. Of any additional rates upon the same property which at the date of such sale shall have accrued due and the like interest thereon ;

and the balance shall be paid into the Supreme Court in the matter of the petition filed pursuant to the said section 122, for the benefit of the parties entitled thereto.

9. Upon proper evidence of any such sale as aforesaid being adduced, a memorandum of transfer shall be executed by the Master as if he had been ordered by the said Court so to do, as provided in the said last-mentioned section.

Transfer to purchaser.

10. The sum of Three Thousand Pounds, advanced to "The Renmark Irrigation Trust, No. 1," pursuant to "The Renmark Irrigation Trusts Loan Act, 1896"; and also the sum of Sixteen Thousand Pounds,

Terms of repayment of loans.

The Renmark Irrigation Trusts Acts Amendment Act.—1907.

Pounds, advanced to the Trust pursuant to said "The Renmark Irrigation Trusts Loan Act, 1900"; and also the sum of Six Hundred and Forty-one Pounds Five Shillings, being the amount of interest which accrued due by the Trust in respect of the two first-mentioned sums for the period from the first day of June, one thousand nine hundred and five, to the thirty-first day of March, one thousand nine hundred and six, all of which sums are hereby capitalised to form one principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings, together with interest on such principal sum, shall be repaid by the Trust as follows:—

- (1) Interest at the rate of four and a half per centum per annum on the total principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings shall be paid as from the first day of April, one thousand nine hundred and six, by half-yearly payments up to and including the first day of April, one thousand nine hundred and nine (the sum of One Hundred Pounds in the hands of the Treasurer of the said State to the credit of the said Trust on the twenty-ninth day of November, 1905, being applied towards the first of such half-yearly payments).
- (2) From and after the first day of April, one thousand nine hundred and nine, the said principal sum of Nineteen Thousand Six Hundred and Forty-one Pounds Five Shillings, together with interest thereon at the rate of four and a half per centum per annum, shall be repaid by the Trust by half-yearly payments of Three Pounds Fourteen Shillings and Two Pence per centum on the amount of such principal sum and interest, the first of such payments to be made on the first day of October, one thousand nine hundred and nine.

Educational lands
transferred to Trust.

11. The lands now vested in the Commissioner of Educational Lands pursuant to paragraph 18 of The Chaffey Brothers Agreement, as appears by certificate of title registered in the Lands Titles Registration Office at Adelaide, volume 579, folio 27, are hereby transferred to the "Renmark Irrigation Trust No. 1," freed and discharged from the trusts created and declared by the said paragraph, but otherwise subject to all leases, mortgages, trusts, equities, and dealings now affecting the said lands; and upon production of the duplicate of such certificate of title to him the Registrar-General shall register the transfer thereof accordingly.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

SCHEDULE.

The Renmark Irrigation Trusts Acts Amendment Act.—1907.

SCHEDULE.

NOTICE TO OWNERS, ETC.

Renmark Irrigation Trust, No. 1.

To A B [*here set out address appearing in register-book*].

Take notice that there is now due to the above Trust in respect of [*here describe property*] the sum of £ , for rates up to the year ending , and unless the amount so due be paid to the Secretary to the Trust within one month from the posting of this notice a petition will be presented to the Supreme Court for an order for sale of the said land.

Dated this day of , 190 .

.....
Secretary of the said Trust.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 934.

An Act to amend the Law relating to Distress for Rent.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Distress for Rent Amendment Act, 1907." Short title.

2. After the passing of this Act it shall not be lawful to distrain any sewing machine, typewriting machine, or mangle, the property of or under hire to any female person, whether belonging to the tenant or otherwise, for any rent claimed in respect of the premises or place in which such sewing machine, typewriting machine, or mangle may be: Provided that any such person shall not be entitled to have more than one sewing machine, one typewriting machine, and one mangle protected from distress under the provisions of this section. Exemption of sewing machines, &c.
New South Wales,
43 of 1898.

3. After the passing of this Act wearing apparel, tools and implements of trade, and household requisites to the total value of Ten Pounds shall be exempt from seizure under any distress for rent, and such goods are hereby protected from such seizure. The word "value" as applied to goods in this Act means value of such goods at a forced sale. The value of any article protected under section 2 of this Act shall not be taken into account in computing the said sum of Ten Pounds. Exemption of wearing apparel and tools.

4. This Act shall not extend to any case where the lease, term, or interest of the tenant has expired, and where possession of the premises Exception to the Act.

The Distress for Rent Amendment Act.—1907.

premises in respect of which the rent is claimed has been demanded in writing, and where the distress is made not earlier than seven days after such demand.

Warrants, &c.,
exempted from stamp
duty.

5. From and after the passing of this Act, and notwithstanding any other enactment, no warrant or authority to distrain shall be chargeable with any stamp duty.

Non-limitation of
exemptions.

6. This Act shall be taken as providing for and supplementing exemptions, and not limiting any exemption already existing.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 935.

An Act to provide for the Inspection of Scaffolding,
and for other purposes.

[Assented to, December 21st, 1907.]

BE it Enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows:

1. This Act may be cited as “The Scaffolding Inspection Act, 1907.” Short title.

2. This Act shall have effect only within the areas comprised in the Assembly Electoral Districts of No. 1, Adelaide District; No. 2, Port Adelaide District; and No. 3, Torrens District; and which said Districts are set forth in the Third Schedule to “The Constitution Act Amendment Act, 1901.” Limitation of area of application of Act.

3. In this Act, except where inconsistent therewith— Interpretations.

“Gear” includes ladder, plank, rope, fastening, hoist-block, pulley, hanger, sling, brace, or other movable contrivance of a like kind:

“Inspector” means any inspector appointed under this Act, and includes any acting or assistant inspector similarly appointed:

“Minister” means the Commissioner of Public Works or other Minister of the Crown appointed to administer this Act:

“Scaffolding” means any structure or framework of timbers, planks, or other material built up and fixed to a height exceeding sixteen feet from the horizontal base on which it is built

The Scaffolding Inspection Act.—1907.

built up and fixed, and used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat, and includes any swinging stage used or intended to be used for any of the purposes aforesaid; but shall not include steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron.

Appointment of inspectors.

4. The Governor may appoint one inspector, and such acting or assistant inspectors as he may think fit, to carry out the provisions of this Act: Provided that no person shall be appointed unless he has had at least four years' experience in the erection of scaffolding.

Notice to be given before scaffolding erected.

5. (1) Any person intending to erect scaffolding shall, at least twenty-four hours before commencing to erect the same, give notice in writing to the inspector of such his intention. Such notice shall be delivered at the office of the inspector. Any person failing to give such notice shall be liable on conviction to a penalty of not exceeding Five Pounds.

(2) In any case of emergency arising from damage caused by lightning, explosion, fire, rain, or storm, it shall not be necessary to allow any period to elapse after giving the notice required by subsection (1) hereof.

Proviso.

Provided that no notice shall be required to be given for the erection of any scaffolding on any ship or boat.

(3) The inspector shall have an office in the city of Adelaide.

Scaffolding and gear to be in accordance with regulations.

6. All scaffolding, and all gear used in connection therewith, shall comply with the requirements of the regulations in the Schedule to this Act, and shall be set up, erected, maintained, and used in accordance with such regulations.

Powers of an inspector.

7. (1) Whenever it appears to an inspector—

- (a) That the use of any scaffolding or any gear used in connection therewith would be dangerous to life or limb; or
- (b) That with regard to any scaffolding, or any gear used in connection therewith, erected, or used, or in course of erection, the requirements of the regulations in the Schedule to this Act are not being complied with

he may give such directions in writing to the owner or person in charge of such scaffolding or gear as he deems necessary to prevent accidents, or to ensure a compliance with such regulations, and such owner or person shall forthwith carry out such directions.

Appeal to Minister.

(2) Whenever any inspector gives any directions as aforesaid, he may also, at the same time or subsequently, order any persons forthwith

The Scaffolding Inspection Act.—1907.

forthwith to cease to use, or work in connection with, any scaffolding or gear until such directions have been complied with.

(3) There shall be an appeal to the Minister against the directions of any inspector under this section, and such appeal must be lodged in writing at the office of the Minister within twenty-four hours from the receipt of such directions. The Minister may hear such appeal, or appoint some person to do so, and such Minister or person appointed by him shall make such order as may be deemed right and proper, and such order when made shall be final.

(4) Any person who—

Penalties.

(a) Refuses or fails to comply with any direction given to him by an inspector in pursuance of this section; or

(b) Refuses or fails to comply with any order given to him by an inspector to cease to use or work in connection with any scaffolding or gear:

(c) Refuses to comply with any order made by the Minister or person appointed by him as aforesaid:

shall be liable on conviction to a penalty of not exceeding Fifty Pounds.

8. Any person who obstructs any inspector in the execution of any power or duty conferred or imposed on him by this Act shall be liable on conviction to a penalty of not exceeding Five Pounds.

Penalty for obstructing inspector.

9. (1) The Governor may, by Order in Council, rescind, amend, or add to the regulations in the Schedule to this Act, and may prescribe penalties for any breach thereof. Every such Order in Council shall be published in the *Government Gazette*, and laid before Parliament within fourteen days after such publication, or, if Parliament is not then sitting, within fourteen days after the commencement of the next ensuing Session.

Power to rescind, &c., regulations.

(2) Notwithstanding any publication thereof, no such rescission, amendment, or addition shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such rescission, amendment, or addition shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such rescission, amendment, or addition shall have been laid before it, then no such rescission, amendment, or addition shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Proviso as to powers of Parliament.

10. All penalties imposed by this Act may be recovered in a summary way before any Special Magistrate or two Justices, under the provisions of the Ordinance No. 6 of 1850, or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary conviction and orders.

Legal procedure.

11. There

The Scaffolding Inspection Act.—1907.

Appeal.

11. There shall be an appeal from any conviction or order dismissing any information under this Act to the Local Court of Adelaide in its full jurisdiction, and such appeal shall be conducted in manner provided by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4 for appeals to Local Courts.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.

The Scaffolding Inspection Act.—1907.

THE SCHEDULE.

REGULATIONS RELATING TO SCAFFOLDING AND GEAR USED IN CONNECTION THEREWITH.

In these regulations "scaffolding" means any structure or framework of timbers, planks, or other material built up and fixed to a height exceeding sixteen feet from the horizontal base on which it is built up and fixed, and used or intended to be used for the support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat, and includes any swinging stage used or intended to be used for any of the purposes aforesaid, but shall not include steps and planks and trestles and planks, usually used for painting, paperhanging, and decorating, and for riveting iron.

AS TO SWINGING STAGE.

Every scaffolding built or erected as a swinging stage shall be so constructed that it shall be capable of bearing three times the maximum weight required. The blocks used shall be of iron or wood, not less than four inches in diameter, and shall consist of double and single blocks. Good sound rope shall be used, and shall be not less than two and three-quarter inches in circumference.

Every such scaffold used as aforesaid shall be constructed of not less than twelve inches by two inches planking, running full length, and the width between supports shall be not more than fifteen feet. Supports shall be of wrought iron, two and one-half inches by one-half inch, carried around stage with loop on top to receive tackle, and bolted to planking with three-eighths inch bolts each end. A strong cleat shall be screwed to planking under centre.

Every such scaffold shall have overhead or wall attachments or weights securely fixed.

There shall be a guard rail three feet from floor of not less than nine inches sectional area, and a fender board of not less than nine inches on the outside and at both ends.

AS TO SCAFFOLDING FOR MASONS, BRICKLAYERS, AND OTHER ARTISANS AND LABORERS.

In every scaffold erected for and used by masons, bricklayers, and other artisans and laborers the standards shall be not more than nine feet apart. Such standards shall be not less than five inches in diameter or twenty inches sectional area, and shall be embedded not less than twenty-four inches in the ground or in barrels filled with sand or earth: Provided that no scaffold erected for and used by masons and bricklayers shall be less than five planks wide.

Ledgers shall be not more than five feet apart, and not less than fifteen inches sectional area.

Putlocks shall be not less than five feet long and not less than twelve inches sectional area, and shall be of stringybark.

Scaffold boards shall be not less than one and one-half inches thick, and free from all defects. All planking shall be laid butting with one putlock at each end, and putlocks spaced not more than five apart.

All scaffolding erected on street frontages shall have guard boards on each stage, nine inches by one and one-half inches in size, and such guard boards shall be secured to standards. There shall also be a guard rail three feet high and not less than twelve inches sectional area on each stage.

Where buildings of more than one storey are being erected on street frontages, there shall be a guard board of not less than eighteen inches high, secured to standards.

The Scaffolding Inspection Act.—1907.

Bracing shall be not less than twelve inches sectional area, and shall be placed to the satisfaction of an inspector.

All scaffolding shall be secured by good sound rope of not less than one and three-quarter inches circumference and fifteen feet in length, or by bolts not less than five-eighths of an inch in diameter. All lashings shall be properly wedged, and such wedging shall be tightened after rain.

Where buildings of more than two storeys are being erected, such buildings shall, immediately after the joists are laid, have a temporary covering of close planking on joists or girders in cases where men are working underneath, except those portions needed for ladder ways and hoist ways.

All gangways shall be constructed to the satisfaction of an inspector.

AS TO INTERNAL SCAFFOLDING.

In every scaffold erected inside any building or structure intended to be used and used by painters, plasterers, and other artisans and laborers, the ledgers shall be not less than fifteen inches sectional area, and not more than six feet six inches apart, with standards not more than nine feet apart and fifteen inches sectional area.

Bracing shall be not less than twelve inches sectional area, and shall be placed to the satisfaction of an inspector. The dimensions and sizes herein may be altered with the permission of the inspector.

AS TO LADDERS.

Ladders shall be of clean oregon, larch, or other approved timber, with rungs of split stringybark or iron set at not more than nine inch centres in centre of stiles.

No batten ladder shall be used except on a roof as a creeper.

All ladders shall stand not less than six feet above staging.

All ladders shall be effectively lashed, and shall be stayed where their length exceeds twenty-two feet, but this shall not apply to painters, paperhangers, and decorators.

PENALTY.

Any person failing to comply with or committing a breach of any of these regulations shall be liable to a penalty for each offence not exceeding Ten Pounds.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 936.

An Act to empower the Governor to grant to The Municipal Tramways Trust a Lease and Renewal thereof of certain Crown Lands for the purposes of the said Trust, and for other purposes.

[Assented to, December 21st, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as "The Tramways Trust Crown Lease Act, 1907." Short title.

2. Notwithstanding anything contained in "The Crown Lands Act, 1903," it shall be lawful for the Governor, and he is hereby expressly authorised, to lease to The Municipal Tramways Trust, established under "The Municipal Tramways Trust Act, 1906," all those pieces of Crown lands, firstly and secondly described in the Schedule hereto, for a term of forty-two years, at the yearly rental, as regards the said piece of Crown lands firstly described in the said Schedule, of an amount equal to Four Pounds per centum on the value thereof, calculated at Two Hundred and Fifty Pounds per acre; and, as regards the said piece of land secondly described in the said Schedule, at the yearly rental of an amount equal to Four Pounds per centum on the value thereof, calculated at One Thousand Five Hundred Pounds per acre; and, as regards both the said pieces of land, upon such terms and conditions and subject to such restrictions as shall be approved by the Governor, including a right of renewal, which renewal the Governor is hereby empowered to grant as from the expiration

Governor may grant lease of certain Crown lands to Tramways Trust.

The Tramways Trust Crown Lease Act.—1907.

piration of the said term of forty-two years for a further term of forty-two years upon the like terms and conditions, except that the yearly rental to be reserved upon such renewal shall be an amount equal to Four Pounds per centum on the then estimated unimproved value of the said lands: Provided always that, except with the consent of the Governor, it shall not be lawful for the said The Municipal Tramways Trust to claim a renewal of one only of the said pieces of land.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

The Tramways Trust Crown Lease Act.—1907.

THE SCHEDULE.

FIRSTLY—All that piece of Crown lands situated at the rear of the wharf known as the "Ocean Steamship Wharf," at Port Adelaide, comprising four acres three roods and thirty-nine and one-half perches, or thereabouts; and

SECONDLY—All that piece of Crown lands adjoining the Adelaide Botanical Gardens in the City of Adelaide, and known as "The Old Lunatic Asylum Grounds," comprising eight acres three roods and thirty-nine perches, or thereabouts—

As the said pieces of Crown lands firstly and secondly above described are more particularly delineated and shown on separate plans thereof deposited in the office of the Surveyor-General, at Adelaide aforesaid, on the twelfth day of December, one thousand nine hundred and seven, and therein respectively colored "pink," which said plans have, for the purpose of identification, been signed by William George Toop Goodman, the engineer to the said The Municipal Tramways Trust, and Alexander Bain Moncrieff, the Engineer-in-Chief.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 937.

An Act to further amend the Law relating to Institutes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Institutes Further Amendment Act, 1907," and shall, except so far as inconsistent therewith, be incorporated and read as one with the Public Library, Museum, and Art Gallery Acts, 1883-4, 1885, and 1895, "The Institutes Mortgage Act, 1898," "The Municipal Corporations Act, 1890," "The District Councils Act, 1887," and all Acts amending or incorporated with those Acts.

Short title and
incorporation.

2. The operation of this Act shall be retrospective so far as it can apply to any transaction either wholly or partly entered into and performed before the passing of this Act by or on the part of any Corporation or Institute pursuant to the provisions of "The Institutes Amendment Act, 1888."

Act retrospective.

3. Any Institute or, in case there be trustees, the trustees of any Institute, including a Corporation which has purchased an Institute pursuant to "The Institutes Amendment Act, 1888," may, with the consent in writing first obtained of the Minister Controlling Education, and notwithstanding anything in any grant or trust deed contained, sell and convey or transfer the Institute and any real and personal estate of the Institute, which shall thereupon be freed and discharged from the trusts thereof.

Power to sell
Institute.

4. Any

The Institutes Further Amendment Act.—1907.

Application of
purchase-money.

4. Any purchase-money arising from any sale made pursuant to the preceding section shall be applied in or towards the purchase or erection of other premises for Institute purposes; and the premises so purchased or erected as aforesaid shall vest in the Institute or the trustees thereof, or in the case of a sale by a Corporation in such Corporation, upon the same trusts as immediately before such sale affected the property sold, except as modified by this Act.

Corporation to be
trustee of Institute,
with power to
mortgage and execute
mortgages.

5. A Corporation which has acquired or shall acquire an Institute and the real and personal estate of such Institute under the provisions of "The Institutes Amendment Act, 1888," shall be and be deemed to be the trustee of such Institute within the meaning and for the purposes of "The Institutes Mortgage Act, 1898," and this Act, and any such Corporation shall be empowered to validly execute a mortgage deed or instrument of the real estate of an Institute so acquired as aforesaid by affixing to such mortgage deed or instrument the common seal of such Corporation. And, notwithstanding the provisions of "The Municipal Corporations Act, 1890," and "The District Councils Act, 1887," and any Acts amending those Acts, it shall not be necessary for the Corporation to obtain the consent of the ratepayers before borrowing money on mortgage of any Institute as such trustee as aforesaid.

General revenue and
property of Corpora-
tion liable for repay-
ment of mortgages,
debts, &c.

6. Whenever a mortgage deed or instrument has been or shall hereafter be executed by a Corporation as mentioned in the last preceding section, or whenever an Institute and the real and personal estate thereof have been or shall hereafter be acquired by a Corporation subject to any encumbrances affecting the same, as mentioned in section 6 of "The Institutes Amendment Act, 1888," then, in addition to the security comprised in such mortgage or encumbrances, the general revenue, funds, and property of such Corporation shall be liable for the repayment of the mortgage debt or encumbrances (as the case may be).

Members of Council
not personally liable.

7. Nothing in this Act shall impose, or be deemed to have imposed, any personal liability on the members composing the Council of any such Corporation, or any of them.

Corporation may issue
debentures for certain
purposes.

8. A Corporation, in addition to and without limiting the other powers provided in this Act, and "The Institutes Mortgage Act, 1898," may borrow and raise, for the purposes enumerated in section 2 of the last-mentioned Act, such sum or sums by means of debentures on the security of the general rates of the Corporation declared or to be declared from time to time, as shall be sufficient for such purposes, or any of them: Provided that except where the borrowing or raising of any such sum or sums is a necessary consequence of, or essential to, the performance of a transaction which has already been approved by ratepayers under the provisions of "The Institutes Amendment Act, 1888," no such debentures shall be issued without the consent of ratepayers to be obtained in the

same

The Institutes Further Amendment Act.—1907.

same way (*mutatis mutandis*) as is provided in the case of loans for special purposes by "The Municipal Corporations Act, 1890," "The District Councils Act, 1887," or any Acts amending those Acts.

9. A Corporation which has borrowed or raised, or shall hereafter borrow or raise, funds for any of the purposes mentioned in this Act, shall provide for the establishment of a sinking fund to ensure the redemption within a period of thirty years of any funds so borrowed or raised by setting aside annually out of the general revenue of the Corporation and the income of the Institute such sum or sums as shall be sufficient for that purpose. The moneys comprising any such sinking fund shall be invested, subject to the approval of the Minister Controlling Education, in manner to be determined by the Corporation, with power at any time and with the like approval to vary such investments or apply such moneys, or any part thereof, towards the reduction of the capital of the funds so raised.

Establishment of sinking fund.

10. The interest accruing due on any mortgage, debt, or debentures mentioned in this Act shall be paid by the Corporation out of the general revenue of such Corporation, and out of the income of any Institute in respect of which the mortgage debt was incurred, or the debenture fund was applied, in such proportions as such Corporation may from time to time determine.

Interest to be paid out of Corporation revenue and Institute income as Corporation may determine.

11. Every conveyance, mortgage, or transfer by an Institute, or the trustees thereof or the committee of management thereof, of any Institute or of any real or personal estate of an Institute executed with the consent of the Minister Controlling Education prior to the passing of this Act, is hereby validated.

Prior sales validated.

12. Notwithstanding anything to the contrary contained in any grant to or trust deed of any Institute, an Institute or the trustees thereof, and a Corporation which has purchased an Institute may, with the consent in writing of the Minister Controlling Education, mortgage or charge such Institute and its real and personal estate upon such terms and conditions, including a power of sale, as may be approved by the said Minister. Upon any sale of any Institute or Institute property under the power of sale contained in any such mortgage the purchaser shall hold the same absolutely freed and discharged from all trusts affecting the same.

Power to mortgage.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 938.

An Act relating to Motor Vehicles.

[Assented to, December 21st, 1907.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Motor Vehicles Act, 1907." Short title.

2. "The Motor Traffic Regulation Act, 1904," is hereby repealed. Repeal.
The Act No. 16 of 1872, and "The Lights on Vehicles Amendment Act, 1903," are hereby repealed so far as they relate, or but for this repeal might relate, to motor vehicles.

3. In this Act and any regulations thereunder, unless the context Interpretation.
otherwise requires, the words—

"This Act" includes regulations:

"District" means the districts constituted under "The District Councils Act, 1887," so far as such districts are specially mentioned:

"Minister" means the Treasurer for the time being of the said State, or any other Minister appointed by the Governor to administer this Act:

"Motor vehicle" mean and include any motor car, motor carriage, automobile, motor cycle, or other vehicle or carriage driven or propelled, or ordinarily capable of being driven or propelled, either partly or wholly, by any volatile spirit, steam, or electricity, or by means other than animal power; but shall not
include

The Motor Vehicles Act.—1907.

include any vehicle run upon a railway or tramway, or any traction engine:

“Municipality” means any locality, the citizens of which are incorporated under “The Municipal Corporations Act, 1890,” so far as such localities are specifically mentioned:

“Registrar” means the Registrar of Motor Vehicles, appointed under this Act:

“Regulations” means regulations made under or by virtue of this Act:

“Street” means and includes every street, roadway, terrace, thoroughfare, or other public place.

Indication of penalties.

4. The penalties referred to at the foot of any section in this Act or of any regulation thereunder shall be deemed and taken to indicate that any contravention of such section or regulation, whether by act of commission or omission, is and shall be deemed to be an offence punishable on conviction by a penalty not exceeding the penalty mentioned.

Registrar.

5. The Governor may from time to time appoint a Registrar under this Act.

Registrar to keep register of motor vehicles.

6. The Registrar shall keep a register for the registration of motor vehicles; such register shall be in the form set out in the First Schedule hereto, or in a form to the like effect, and may be kept in two parts, one part relating to motor vehicles not being motor cycles, and the other part relating to motor cycles.

Registration.

7. (a) Every owner of a motor vehicle, not being a motor unsold or kept in stock by the owner or agent of the owner, and not being in actual use or kept for hire, shall register such motor vehicle with the Registrar, and shall furnish the particulars set out in the form in the Second Schedule hereto. Subject to the provisions of the next section of this Act a fee of Ten Shillings in the case of a motor vehicle not being a motor cycle, or of Two Shillings and Six Pence in case of a motor cycle, shall be paid before the motor vehicle is registered: Provided that owners shall not be required to register motor vehicles registered at the time of the passing of this Act.

Penalty, Five Pounds.

Registrar to assign number.

(b) The Registrar shall thereupon assign a number to the motor vehicle and register it in the register of motor vehicles. The Registrar, on the registration of the motor vehicle, shall forthwith furnish the owner thereof with a copy of the entries in the register relating to the motor vehicle.

Special registration for manufacturers and dealers.

8. (1) The Registrar may assign to any manufacturer of, or dealer in, motor vehicles general identification numbers, which shall be used only for motor vehicles on trial after completion, or on trial by an intending purchaser. The fee shall be Ten Shillings for each number assigned.

(2) The

The Motor Vehicles Act.—1907.

(2) The coloring of the plates having placed thereon or annexed thereto any of such distinguishing numbers shall be different from that used for the plates required to be used by owners and specified in the Third Schedule hereto, but all other provisions of these regulations as to the size and position of the plates shall apply.

(3) Whenever any manufacturer or agent shall use any number assigned to him under this section he shall supply the name and address of the person driving the motor vehicle on that occasion if required to do so by the Registrar.

(4) The Registrar shall keep in the register of motor vehicles a record showing the name of the manufacturer or dealer to whom any general identification numbers have been assigned, the place of business of the manufacturer or dealer, and a description of the coloring adopted under the provisions of subsection (2) hereof.

Penalty, Ten Pounds.

9. (a) Every owner of a motor vehicle not being a motor cycle shall affix, and keep affixed, to such motor vehicle two plates, one on the front and the other on the back thereof, in an upright position, and so that every figure of the registered number is upright and easily distinguishable, from the front in the case of the plate placed on the front of such motor vehicle, and from behind in the case of the plate placed on the back of such motor vehicle.

Plates on motor vehicles other than cycles.

(b) Such plates must conform, as to lettering, numbering, and otherwise, with the provisions set out in the Third Schedule hereto.

(c) Where any motor vehicle is registered as aforesaid and is also licensed to ply for hire by a Municipal Corporation the plate bearing the number assigned by the licensing Corporation to such vehicle shall, by the addition of some distinctive design, character, or letter, or letters, to be approved by the Registrar, be distinguished from the plate and number provided for by this Act.

Penalty, Ten Pounds.

10. (a) Every owner of a motor cycle shall have a plate affixed to such motor cycle in such a position that the figures of the registered number are easily distinguishable from both sides.

Plates on motor cycles.

(b) Such plates must conform as to numbering, lettering, and otherwise with the provisions set out in the said Third Schedule.

Penalty, Ten Pounds.

11. The Registrar shall establish and keep a register of licences in the form set out in the Fourth Schedule hereto, or in a form to the like effect.

Register of licences.

12. (a) Subject to the provisions of this Act the Registrar may, upon an application being made to him in the form in the Fifth Schedule, grant a licence to drive a motor vehicle, in the form of the Sixth Schedule hereto, to any person on payment of a fee of

Registrar may licence.

Five

The Motor Vehicles Act.—1907.

Proviso as to age.

Five Shillings in the case of a licence to drive a motor vehicle (not being a motor cycle), and Two Shillings and Six Pence in the case of a licence to drive a motor cycle: Provided however that no person under the age of seventeen years shall be entitled to a licence to drive a motor vehicle not being a motor cycle, and no person under the age of fourteen years shall be entitled to a licence to drive or ride a motor cycle.

Special licences for employes of manufacturers and dealers.

(b) The Registrar may issue to any manufacturer of, or dealer in motor vehicles, special drivers' licences, which may be used by any *bonâ fide* employé of the manufacturer or dealer whilst actually employed in the trial of a motor vehicle after completion or repair, or for an intending purchaser, and not otherwise; and one of such special licences shall be carried by the employé whilst so employed, and be produced if called upon by the Registrar or a police constable. The annual fee shall be Two Shillings and Six Pence for each licence. No person shall use any such licence otherwise than as above provided.

Penalty, Ten Pounds.

Renewal of licence.

13. A licence shall remain in force for a period of twelve months only from the date on which it is granted, but may be renewed annually, upon an application being made to the Registrar in the form in the Seventh Schedule hereto, and on the payment of the like fees as upon the original grant; and the same provisions shall apply with respect to the renewal of the licence as apply with respect to the grant of the licence. Such renewal licence may be in the form in the Eighth Schedule hereto.

Particulars to be furnished.

14. A person who desires to obtain the grant or renewal of a licence to drive a motor vehicle must apply to the Registrar, and furnish the particulars set out in the Fifth or Seventh Schedules hereto, as the case may require.

Driver must be licensed.

15. (a) No person shall drive a motor vehicle unless he is licensed for the purpose; and

(b) No person shall employ any person who is not so licensed to drive a motor vehicle.

Penalty, Ten Pounds.

Licence to be produced on demand.

16. Any person driving a motor vehicle shall, when demanded by the Registrar or any police constable, produce his licence for inspection within twenty-four hours.

Penalty, Two Pounds.

Careless driving.

17. No person shall drive or ride a motor vehicle in, upon, or along any street at a speed which, having regard to all the circumstances of the case, is or might be dangerous to life or property.

Penalty, Twenty Pounds.

18. No

The Motor Vehicles Act.—1907.

18. No person shall drive a motor vehicle (not being a motor cycle) in any street between the half-hour after sunset and the half-hour before sunrise unless there shall be securely attached thereto two good and sufficient lighted lamps, either in front or one on each side of such motor vehicle, showing two bright white lights visible, and such lamps being in such positions that such lights may be seen in a straight line in the direction in which such motor vehicle is, or is about to be, driven, sufficiently far to adequately signal the approach and position of such motor vehicle.

Lights on motor vehicles, other than cycles.

Penalty, Twenty Pounds.

19. No person shall drive or ride a motor cycle in any street between the half-hour after sunset and the half-hour before sunrise unless there shall be attached thereto a good and sufficient lighted lamp showing a bright white light visible, and such lamp being in such a position that such light may be seen in a straight line in the direction in which such motor cycle is, or is about to be, driven or ridden, sufficiently far to adequately signal the approach and position of such motor cycle.

Lights on motor cycles.

Penalty, Twenty Pounds.

20. No person shall ride, drive, or propel a motor vehicle which has not attached thereto a proper bell, horn, or other like instrument capable of giving audible and sufficient warning of the approach and position of the motor vehicle.

Bell to be carried.

Penalty, Ten Pounds.

21. Every driver or rider of a motor vehicle shall, whenever necessary, by sounding the bell, horn, or other like instrument attached thereto, give audible and sufficient warning of the approach or position of the motor vehicle.

Warning of approach of motor vehicle.

Penalty, Ten Pounds.

22. No person shall drive or ride a motor vehicle upon any foot-path, except when crossing from or to any premises.

No driving on foot-paths.

Penalty, Ten Pounds.

23. No person shall drive a motor vehicle backwards for a greater distance or time than the necessity of the case or the purposes of safety shall require.

Driving backwards.

Penalty, Ten Pounds.

24. A person driving or riding a motor vehicle shall, in any case, if an accident occurs or is likely to occur to any person, whether on foot, on horseback, or in a carriage, or to any horse or carriage in charge of any person, owing to the presence of the motor vehicle in the street, stop and remain stationary at such a distance and so long as may be reasonably necessary, and shall, if required, give his name and address and (if he be not the owner) the name and address of the owner of the motor vehicle.

Duty to stop in case of accident.

Penalty, Twenty Pounds.

25. (a) Every

The Motor Vehicles Act.—1907.

Control by police constable.

25. (a) Every driver of a motor vehicle shall stop if and when ordered so to do by any police constable, and shall obey the reasonable directions of such police constable.

(b) Every driver of a motor vehicle, when taking up or setting down persons in any street, or who is waiting for any such purposes, shall forthwith obey the reasonable directions of any police constable.

(c) The driver of any motor vehicle shall, upon demand of any police constable, give his name and address, the name and address of the owner of such motor vehicle ; and

Power on refusal to give name and address.

(d) Any police constable may apprehend, without warrant, any driver who refuses to give his name and address, or the name and address of such owner as aforesaid.

Penalty, Ten Pounds.

Special regulations as to speed tests.

26. Whenever any number of persons, or any club or clubs, intimate to the Minister that they desire to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the Minister may temporarily suspend the operations of this Act or the regulations for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted : Provided that the consent in writing of the local authority in the particular municipality or district concerned shall be first obtained and produced to the Minister.

Suspension and indorsement of licences.

27. (1) Any Court before whom a person is convicted of an offence against this Act or the regulations thereunder (other than a first offence consisting solely of exceeding any limit of speed)—

(a) May, if the person convicted holds a licence, suspend that licence for such time as the Court thinks fit, and may declare such person disqualified from obtaining a licence for such further time as the Court thinks fit ; and

(b) May, if the person convicted does not hold any licence, declare him disqualified from obtaining a licence for such time as the Court thinks fit ; and

(c) If the person convicted holds any licence, may cause particulars of the conviction and order to be indorsed upon such licence ; and shall also cause a copy of those particulars to be sent to the Registrar.

(2) Any person so convicted, holding any licence under this Act, shall produce such licence within a reasonable time for the purposes of indorsement.

(3) A licence so suspended by the Court shall, during the term of suspension, be of no effect, and a person whose licence is suspended, or who is declared by the Court to be disqualified for obtaining a licence, shall, during the period of suspension or disqualification, be disqualified from obtaining a licence.

(5) (a) No person who, under the provisions of this section, is disqualified from obtaining a licence, shall apply for or obtain a licence while he is so disqualified ; and

(b) No

The Motor Vehicles Act.—1907.

(b) No person whose licence has been indorsed shall apply for or obtain a licence without giving particulars of the indorsement.

Penalty, Two Pounds.

28. The Governor may, by Proclamation published in the *Government Gazette*—

(a) From time to time, make, alter, or repeal regulations (including in such power the power to repeal the regulations in the Ninth Schedule hereto) for any of the following purposes:— Regulations.

i. Regulating and controlling the speed of motor vehicles—

(a) In any city, or any part or parts of any city:

(b) In any town:

(c) In any other part of the State (and either generally or in specified areas) outside the boundaries of cities and towns:

ii. Prescribing the manner (whether by means of a bell, horn, or other instrument) in which warning of the approach or whereabouts of any motor vehicle shall be given:

iii. Prohibiting or regulating the driving or riding of any motor vehicle on any footpath:

iv. Providing for minimising the noise caused by the engine of any motor vehicle by a silencer or otherwise:

v. Appointing and removing any registrar, inspector, and other officers as may be necessary or expedient for effectually carrying out this Act and the regulations thereunder:

vi. Prescribing fees payable to such registrar, inspectors, or other officers:

vii. For any other purpose which he may consider necessary for the safety of the public.

(b) May impose penalties of not more than Ten Pounds for the breach of any such regulations: Provided that no regulations shall limit the speed of any motor vehicle when outside any city or town to less than twenty miles an hour, except when meeting or passing any person riding any horse or driving any horse and vehicle.

All such regulations shall be laid before both Houses of Parliament within one month after the making thereof, if Parliament be then sitting, and if not, then within one month after the commencement of the next ensuing Session, and shall be published in the *Gazette*. Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same shall be disapproved,

The Motor Vehicles Act.—1907.

disapproved, either wholly or in part, by resolution of either House of Parliament within sixty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no such regulation shall continue to have any force or effect if disapproved by either House of Parliament within sixty days after the commencement of the next Session of Parliament.

Regulations in force until altered or repealed.

29. The regulations in the Ninth Schedule hereto shall be and continue in full force and effect until altered or repealed by regulations made under this Act.

This Act and regulations paramount.

30. When any by-law or regulation made by a Municipal Corporation, District Council, or other local authority (save only as to by-laws or regulations for registration of cars plying for hire therein) is inconsistent with this Act or any regulation thereunder, the latter shall prevail, and the former shall, to the extent of the inconsistency, be void.

Legal procedure.

31. Any penalty imposed by this Act, or any regulations thereunder, may be recovered in a summary way before any Special Magistrate or two Justices, under the provisions of the Ordinance No. 6 of 1850, or of any Act now in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary conviction and orders.

Appeal.

32. There shall be an appeal from any conviction or order dismissing any information under this Act, or the regulations, to the Local Court of Adelaide in its Full Jurisdiction, and such appeal shall be conducted in manner provided by the said Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4 for appeals to Local Courts.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

The Motor Vehicles Act.—1907.

SCHEDULES.

THE FIRST SCHEDULE.

Sec. 6.

Register of Motor Vehicles.

Number on Identification Plates.	Full Name of Owner.	Address of Owner.	Description or Type of Vehicle.	• Type and Color of Body of Vehicle.	Weight, Unladen.	Whether intended for—			Date of Registration.	If Cancelled, Date of Cancellation.
						(a) Private Use.	(b) Trade Purposes.	(c) Public Conveyance.		

* In the case of a motor cycle this column need not be filled in.

THE SECOND SCHEDULE.

Sec. 7.

Particulars to be given by Applicant for Registration of a Motor Vehicle.

1. Full name of owner.....
 2. Postal address of usual residence of owner ..
 3. Description or type of vehicle*.....
 4. Type and color of body of vehicle†.....
 5. Weight, unladen.....
 6. Whether intended for—
 - (a) Private use.
 - (b) Trade purposes.
 - (c) Use as a public conveyance.
 7. Particulars as to position on vehicle in which it is proposed to place the plates forming the identification mark.
- Signature of owner, or person applying on his behalf—
-
- Date of application

* Mention horse-power, whether propelled by electricity or steam, &c., and the name of the maker, or the type by which the motor vehicle is ordinarily known.

† In case of motor cycle, particulars under this head need not be given.

‡ Mention how body painted.

THE THIRD SCHEDULE.

Sec. 9.

Diagram of Plate.*Provisions*

*The Motor Vehicles Act.—1907.**Provisions to be complied with.*

1. Each plate displayed on a motor vehicle (not being a motor cycle) shall be rectangular, and bear upon it the distinctive number assigned to such motor vehicle.

2. The ground of the plate shall be black, the figures white.

3. All figures shall be three and a half inches high; every part of every figure shall be five-eighths of an inch broad; and the total width of the space taken by every figure, except in the case of the figure 1, shall be two and a half inches.

4. The space between adjoining figures shall be half an inch, and there shall be a margin between the nearest part of any figure and the top and bottom of the plate of at least half an inch, and between the nearest part of any figure and the sides of the plates of at least one inch: Provided that designs, painted or otherwise, shown upon any motor vehicle (not being a motor cycle) may, if so desired, be used instead of plates, and in such case any reference to plates in this Act and regulations shall be construed to include a reference to such designs, and any reference to the fixing of plates to include a reference to the painting or other delineations of the design.

The size of the plate to be affixed to a motor cycle shall be approximately five inches long and two and one-half inches high, and the size of the figures thereon shall be two inches high, and in the same proportion relatively as for motor vehicles.

Sec. 11.

THE FOURTH SCHEDULE.

Register of Licences.

Number of Licence.	Full Name of Licencee.	Postal Address of Licencee.	Whether—		Date of Grant and Expiration.	Particulars of Renewals.	Particulars of any Indorsement on Licence.
			(a) To Drive a Motor Vehicle.	(b) Limited to Driving Motor Cycle.			

Sec. 12.

THE FIFTH SCHEDULE.

“The Motor Vehicles Act, 1907.”

Application for Licence.

To the Registrar of Motor Vehicles.

1. Full name of applicant.....
 2. Postal address of residence of applicant.....
 3. Whether application is for licence to drive a motor vehicle, or for licence limited to driving a motor cycle.....
 4. Whether applicant is less than seventeen years of age, or, in case of an application limited to driving motor cycles, whether he is less than fourteen years of age
 5. Whether applicant is the holder of a licence, or has at any time previously been the holder of a licence.....
 6. Particulars of any licence which the applicant holds, or which he has previously held.....
 7. Particulars of any indorsement on any licence which the applicant holds, or which he has previously held.....
 8. Whether the applicant has at any time been disqualified for obtaining a licence. If so, particulars as to the Court by whom, the date on which, and the period for which the disqualification was imposed.....
- Signature of applicant.....
- Date of application.....

THE

The Motor Vehicles Act.—1907.

THE SIXTH SCHEDULE.

Sec. 12.

Licence to Drive a Motor Vehicle or Motor Cycle.

.....[full name], of.....is hereby licensed
to drive a motor [here insert "vehicle" or "cycle," as the case may be] for the period
of twelve months, from the.....day of....., 19 .., until the
.....day of....., 19....
....., Registrar.

THE SEVENTH SCHEDULE.

Sec. 13.

*"The Motor Vehicles Act, 1907."**Application for Renewal of Licence to Drive Motor.*

To the Registrar of Motor Vehicles.

1. Number of licence
2. Postal address of residence of applicant
3. Whether applicant has since date of last grant or renewal of the licence been
disqualified for obtaining a licence
- Signature of applicant
- Date of application

THE EIGHTH SCHEDULE.

Sec. 13.

*"The Motor Vehicles Act, 1907."**Form of Renewal of Licence.*

The licence No....., granted by the Registrar of Motor Vehicles is hereby
renewed, so as to be in force for twelve months from the.....
day of....., 19...., until the.....day of....., 19....
.....Registrar.

THE NINTH SCHEDULE.

Limitation of speed.

1. No person shall drive or ride a motor vehicle—

Sec. 29.

- (a) At a greater speed than twelve miles an hour in King William, Rundle, Hindley, Grenfell, Currie, Pirie, and Waymouth Streets, within the municipality of the city of Adelaide, and any street or thoroughfare between any such streets :
- (b) At a greater speed than four miles an hour in Rundle Street and Hindley Street from King William Street to Morphett Street, within the said municipality, between the hours of seven and ten o'clock on Saturday nights :
- (c) At a greater speed than fifteen miles an hour in any other street within the said municipality not named in subsection (a) hereof :
- (d) At a greater rate than six miles an hour when turning the corners or crossing the intersections of any streets or thoroughfares named in subsection (a) hereof within the said municipality :
- (e) At a greater speed than fifteen miles an hour within the boundaries of the municipalities of Brighton, Burra, Gawler, Glenelg, Hindmarsh, Kadina, Kensington and Norwood, Moonta, Mount Gambier, Port Adelaide, Petersburg, Port Pirie, St. Peters, Thebarton, Unley, and Wallaroo :
- (f) At a greater speed than six miles an hour when turning the corners of any streets or thoroughfares within the last-mentioned municipalities :
- (g) At a greater speed than twenty miles an hour within the districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, and Yatala South, except when meeting or passing any person riding any horse or driving any horse and vehicle, when the greatest speed shall not exceed fifteen miles an hour :
- (h) At a greater speed than thirty miles an hour in any other part of the State not included within the boundaries of the municipalities and districts mentioned above.

2. When

The Motor Vehicles Act.—1907.

Position of number
plates on motor
vehicles.

2. When another vehicle is attached to a motor vehicle, either in front or behind, the plate required to be fixed on the front or on the back of the motor vehicle, or a duplicate of such plate, shall be fixed on the front or on the back of the vehicle attached, as the case requires, in the same manner as the plate is required to be fixed on the motor vehicle.

Registrar may supply
number plates.

3. The Registrar may supply number plates to the owner of any motor vehicle registered under these regulations, and shall make such charges therefor as shall be fixed by the Minister.

Notice of alteration.

4. Any alteration in color of painting of any motor vehicle, or of the form of the body thereof, shall be notified to the Registrar by the owner of such motor vehicle within seven days of the making of such alteration.

Displaying numbers
by night.

5. Whenever between the half-hour after sunset and the half-hour before sunrise a motor vehicle is used in any street, the lamps carried by such motor vehicle shall be so kept burning as to illuminate by means of reflection, transparency, or otherwise, and make plainly visible, the number displayed on the number plate fixed to the back of such motor vehicle, or to the back of any vehicle attached thereto.

Want of control of
motor vehicles—
Obstruction to traffic.

6. No driver or rider of any motor vehicle shall, when on such vehicle, be in a position that he cannot have control over the same, or quit the motor vehicle, without having taken due precautions against its being started in his absence, or allow the motor vehicle or a vehicle drawn thereby to stand on such street so as to cause an unnecessary obstruction thereof.

Efficiency of silencer
attachment.

7. Every driver or rider of a motor vehicle shall always have an efficient silencer attached to such motor vehicle, in full and efficient working order, and always connected with the proper portion of the engine of such motor vehicle, so as to reduce by at least 40 per cent. the noise which would otherwise result from the working of the engine of such vehicle, and shall not in any case have attached to such silencer, or otherwise connected therewith, any device or machinery whereby such silencer may be rendered inefficient or unworkable, or its efficiency in any way lessened.

Rule of the road.

8. Every driver or rider of a motor vehicle shall, when meeting any person riding any horse or driving any horse and carriage, keep the motor vehicle on the left or near side of the street, and when passing any such person proceeding in the same direction keep the motor vehicle on the right or off side of the street.

9. Whenever the driver of a motor vehicle shall meet a timid or restive horse, whether in a carriage or otherwise, the driver or rider of which shall signal by raising his hand that such horse is timid or restive, the driver of such motor vehicle shall immediately take the same to his proper side of the road, stop, and shut off the engine until all reasonable possibility of an accident has been averted.

10. Whenever the driver of a motor is about to meet or pass a flock of sheep such driver shall immediately so far reduce the speed of his vehicle as to enable the flock to be passed without risk of injury to the sheep.

11. No driver of a motor vehicle shall drive at a greater speed than six miles per hour when passing schools at the times when the children are coming out of such schools at the close of school duties.

12. Whenever the driver of a motor vehicle shall overtake and is passing a horse or carriage he shall reduce the pace of such motor vehicle to a rate not exceeding fifteen miles an hour until he has passed such horse or carriage.

Licence may issue to
non-resident of State.

13. If any person applies for a licence, and the Registrar is satisfied that he has no residence in South Australia, he shall, if the applicant is otherwise entitled, grant him a licence.

Registrar may issue
duplicate when
original licence lost.

14. In the event of the holder of a licence satisfying the Registrar that he has lost such licence, or circumstances have transpired that do not make such licence available, the Registrar may, on payment of a fee of one shilling, issue a duplicate of such licence; and such duplicate shall have the same effect as the original licence or renewal, as the case may be.

15. No person shall use or attempt to use a licence issued to or in the name of any other person.

16. The penalty for the breach of any regulation shall, unless otherwise prescribed, be not more than Ten Pounds.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 939.

An Act for the Further Appropriation of the Revenue for the Year ended June Thirtieth, One Thousand Nine Hundred and Seven, and for the General Appropriation of the Revenue for the Year ending June Thirtieth, One Thousand Nine Hundred and Eight.

[*Assented to, December 21st, 1907.*]

WHEREAS, by various Acts and Ordinances of the State of South Australia, certain moneys are or may be collected, to be paid to the Treasurer on behalf of His Majesty, His heirs and successors, for the public uses of the said State and support of the Government thereof: And whereas certain other moneys are or may become payable to the said State for the like uses, under the provisions of the Commonwealth of Australia Constitution Act, 63 & 64 Vict., ch. 12—

Preamble.

Be it therefore Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. Out of the said moneys paid by the Commonwealth of Australia, and the produce of all or any other the General Public Revenues of the said State, not otherwise by law specially appropriated, there shall or may be further issued and applied, in the manner hereinafter mentioned, any sums of money not exceeding in amount respectively the several sums of money hereinafter specified, that is to say—

Appropriation of
General Revenue.

FIRSTLY.—For defraying the Excess of Expenditure for the Government Establishments and Public Services beyond the Grant for

Excesses on Votes,
1906-7.

Appropriation Act.—1907.

for the year ended the thirtieth day of June, one thousand nine hundred and seven, there shall be paid the sum of One Hundred and Twenty-three Thousand Eight Hundred and Seventy-one Pounds Ten Shillings and Two Pence, the said amount being appropriated as follows, viz.:—

	£	s.	d.
The Legislature	2,480	17	5
Chief Secretary, &c. .. .	6,762	17	8
Attorney-General .. .	1,522	19	3
Treasurer, &c. .. .	3,317	18	2
Commissioner of Crown Lands and Minister of Agriculture, &c. .. .	8,463	0	1
Commissioner of Public Works and Minister of Education .. .	101,333	17	7
Total Excesses on Votes, 1906-7 .. .	£123,871	10	2

Estimates, 1907-8.

SECONDLY.—For defraying the charge of the State Government for the year ending the thirtieth day of June, one thousand nine hundred and eight, there shall be paid the sum of One Million Nine Hundred and Thirty-seven Thousand Nine Hundred and Sixteen Pounds, the said amount being appropriated as follows, viz.:—

	£	s.	d.
Legislative Council .. .	2,037	0	0
House of Assembly .. .	3,277	0	0
Parliamentary Library .. .	560	0	0
Office-keeper and Caterer, Parliament House .. .	915	0	0
Legislature Generally .. .	13,427	0	0
Private Secretary .. .	250	0	0
Office of Chief Secretary .. .	1,687	0	0
Audit .. .	5,131	0	0
Public Actuary .. .	935	0	0
Sheriff .. .	983	0	0
Registrar-General Births, Deaths, and Marriages .. .	2,663	0	0
Printing and Stationery Offices .. .	24,354	0	0
Police .. .	79,397	0	0
Gaols and Prisons .. .	15,342	0	0
Medical Officers .. .	870	0	0
Hospitals .. .	29,897	0	0
Lunatic Asylum .. .	27,628	0	0
Destitute Persons .. .	21,744	0	0
State Children .. .	20,216	0	0
Central Board of Health .. .	1,980	0	0
Quarantine .. .	720	0	0
Department of Industry .. .	1,230	0	0
Retiring Allowances and Gratuities .. .	14,000	0	0
Miscellaneous (Chief Secretary) .. .	18,481	0	0
Law Officers .. .	2,842	0	0
Public Trustee .. .	908	0	0
Supreme Court .. .	5,110	0	0
Probate and Succession Duties Office .. .	1,341	0	0
Registrar of Companies' Office .. .	65	0	0
Court of Insolvency .. .	1,985	0	0
Magistrates and Local Courts .. .	9,093	0	0
Coroners .. .	610	0	0
Registrar-General of Deeds .. .	5,891	0	0
Miscellaneous (Attorney-General) .. .	1,895	0	0
The Treasury .. .	4,565	0	0
Agent-General in England .. .	3,485	0	0

Appropriation Act.—1907.

	£	s.	d.
Land and Income Tax Department	13,689	0	0
Stamp Duty Department	1,216	0	0
Interest and Exchange	16,000	0	0
Unclaimed Moneys, Repayment of	200	0	0
Miscellaneous (Treasurer and Attorney-General)	1,080	0	0
Department of Lands, Mines, and Roads	14,742	0	0
Woods and Forests	7,840	0	0
Survey	29,907	0	0
Department of Agriculture and Intelligence	16,602	0	0
Stock and Brands	3,476	0	0
Botanic Garden	6,450	0	0
Produce Export Department	17,791	0	0
Public Works	100,000	0	0
Miscellaneous (Commissioner of Crown Lands and Immigration, &c.)	25,310	0	0
Office of Commissioner of Public Works	1,219	0	0
Office of Minister of Education	750	0	0
Engineering	59,040	0	0
Works and Buildings Department	4,973	0	0
Government Offices	1,853	0	0
Cemeteries	1,239	0	0
Railways	900,041	0	0
Supply and Tender Board	12,712	0	0
Marine Board	28,684	0	0
Aborigines	4,710	0	0
Education Department	160,687	0	0
Public Library, Museum, and Art Gallery, and Institutes	13,485	0	0
Schools of Mines and Industries and Technological Museum	8,007	0	0
Observatory	1,170	0	0
Public Works	153,602	0	0
Miscellaneous (Commissioner of Public Works and Minister of Education)	5,927	0	0
Total Estimates, 1907-8	£1,937,916	0	0

THIRDLY.—For defraying the Excess of Expenditure for the Government Establishments and Public Services of the Northern Territory beyond the Grants for the year ended the thirtieth day of June, one thousand nine hundred and seven, there shall be paid the sum of Nine Thousand Seven Hundred and Sixty Nine Pounds Five Shillings and One Penny, the said amount being appropriated as follows, viz. :—

Excesses on Votes,
Northern Territory,
1906-7.

	£	s.	d.
Government Resident	529	4	10
Police	238	1	7
Gaol	8	9	9
Charitable Institutions	237	9	2
Law Officers	359	19	0
Marine	2,071	3	2
Botanic Gardens	42	12	9
Survey	452	14	1
Goldfields and Mining	3,522	10	4
Education	16	16	9
Railways and Tramways—Palmerston and Pine Creek Line	319	0	8
Public Works	587	10	6
Miscellaneous	1,383	12	6
Total Excesses on Votes, Northern Territory, 1906-7	£9,769	5	1

FOURTHLY.

Appropriation Act.—1907.

Northern Territory
Estimates, 1907-8.

FOURTHLY.—For defraying the charge of the Northern Territory for the year ending the thirtieth day of June, one thousand nine hundred and eight, there shall be paid out of the Northern Territory Revenues the sum of Ninety-four Thousand Six Hundred and Ninety-six Pounds, the said amount being appropriated as follows, viz.:—

	£	s.	d.
Office of the Minister Controlling the Northern Territory ..	700	0	0
Government Resident	2,526	0	0
Police	8,195	0	0
Gaol	1,419	0	0
Charitable Institutions	2,938	0	0
Board of Health	40	0	0
Law Officers	505	0	0
Marine	3,155	0	0
Stock and Brands	815	0	0
Botanic Garden	360	0	0
Survey	2,236	0	0
Goldfields and Mining	23,861	0	0
Education	710	0	0
Railways and Tramways	14,775	0	0
Public Works	9,689	0	0
Retiring Allowances and Gratuities	200	0	0
Miscellaneous	22,572	0	0

Total as shown by Estimates £94,696 0 0

Treasurer to pay the
orders of Governor,
and discharge by
receipt of party.

2. The Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively in that behalf hereinbefore specified, to such persons and in such portions as the Governor for the time being shall, by any order or orders in writing signed by him and countersigned by the Chief Secretary, from time to time direct; and the said Treasurer shall, in his accounts, be allowed credit for all sums paid by him in pursuance of such orders accordingly; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which the same receipts shall have been respectively given, and the amounts thereof shall be passed to his credit in account accordingly.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 940.

An Act to amend "The Vermin Act, 1905."

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Vermin Act Amendment Act, 1907," and shall be incorporated with "The Vermin Act, 1905" (hereinafter referred to as the principal Act).

Short title and
incorporation.

2. The sections and Schedules of the principal Act enumerated hereunder are repealed or amended to the extent and in manner herein set forth:—

Amendments and
repeals.

Section 4—In the interpretation of the words "Crown lands," after the word "Australia" insert the words "excluding the Northern Territory."

Section 18—In subsection 2, line 3, strike out the words "and by" and insert in lieu thereof the words "accompanied if possible by either," and in the same line strike out the word "and" where it next occurs and insert in lieu thereof the word "or."

Section 21—Repeal the whole section, and substitute the following section in lieu thereof:—

21. In order to better provide for the simultaneous destruction of vermin, such destruction shall, as regards each District Council, Vermin-fenced District, and Associated Board be simultaneously proceeded with by all owners and occupiers during the months of

January,

The Vermin Act Amendment Act.—1907.

January, February, and March in each year, but nothing in this section shall be construed to imply that the destruction of vermin shall not be proceeded with and enforced during the remainder of the year, or that a notice, under section 23 of "The Vermin Act, 1905," may not be given during such simultaneous vermin destruction months.

Section 24—Repeal the whole and substitute the following section in lieu thereof:—

- 24.** (1) The owner or occupier of any land who does not—
- (a) During the simultaneous vermin destruction months of January, February, and March in each year; or
 - (b) Within twenty-eight days after the service upon him of a notice under section 23, destroy all vermin upon such land, and upon the half width of all roads adjoining the same, shall be liable to a penalty for a first offence of not more than Five Pounds, and for the second and every subsequent offence of not more than Twenty Pounds.
- (2) Informations under this section—
- (a) Shall not be laid except by an authorised person;
 - (b) May be in the forms No. 2 or No. 3 in the Second Schedule to this Act, and when so laid shall not be questioned for want of form;
 - (c) May be amended by the Court; and
 - (d) Shall be laid within six months from the date of the service of such notice, or from the expiration of the simultaneous vermin destruction months, as the case may be.

Section 25—Repeal the whole and substitute the following section in lieu thereof:

25. (1) Where an owner or occupier is charged with an offence under section 24 the averments contained in the information shall be deemed to be proved in the absence of proof to the contrary.

(2) Such averments shall be deemed conclusively proved upon proof on behalf of the informant of the presence of vermin upon the lands mentioned in the said information—

- (a) Where such land is within the boundaries of a District Council or Associated Board, at any time after fourteen days from the expiration of the notice under section 23, or from the expiration of the simultaneous vermin destruction months, as the case may be;
- (b) Where such land is outside the boundaries of a District Council or Associated Board, at any time after the expiration of three months from the expiration of such notice, or from the expiration of the simultaneous vermin destruction months, as the case may be.

The Vermin Act Amendment Act.—1907.

Section 38—Repeal the words “or forest reserve” and the words “or similar enclosures,” and after the word “upon” in the third line add the words “a dedicated travelling stock reserve or Crown lands used as.”

Section 75—Repeal subsection 4.

Section 119—Repeal subsection (c) and substitute the following new subsection therefor:

“(c) In paying for the destruction of vermin on the whole or any specified portion of the land within the district, the approval of the Commissioner having first been notified in the *Gazette*.”

Section 154—Repeal the words “or a Vermin-fenced District” in the sixth line.

Section 157—After the words “Government inspector” in the second and last lines insert the words “or a Crown lands ranger.”

Section 158—Insert the following new subsection:—

“(d) Any instalment under subsection (a) which is unpaid for fourteen days after the due date thereof shall, by way of penalty, bear interest, payable therewith, and calculated at the rate of Five Pounds per centum per annum.”

Section 160—Insert the following new subsection:—

“(5) Any instalment under subsection (1) which is unpaid for fourteen days after the due date thereof shall, by way of penalty, bear interest, payable therewith, and calculated at the rate of Five Pounds per centum per annum.”

In the heading to Part VI., Division II., and in section 192, subsection (1), line 3, repeal the word “hundreds” and insert in lieu thereof the words “District Councils and Vermin-fenced Districts.”

Section 194—

(1) Insert the following new subsection:—

“(5) Any instalment under subsection (2) which is unpaid for fourteen days after the due date thereof shall, by way of penalty, bear interest, payable therewith, and calculated at the rate of Five Pounds per centum per annum.”

(2) Insert the following new subsection:—

“(3A.) If such lease is transferred or surrendered whilst any instalments remain unpaid, such remaining instalments shall be paid prior to such transfer or surrender, unless the incoming tenant (if any) agrees to pay the same.”

Section

The Vermin Act Amendment Act.—1907.

in the State of South Australia in the Commonwealth of Australia,
 of _____, in the said State, an authorised person within the meaning of Part II.,
 of "The Vermin Act, 1905," came before me, _____, Esquire, one
 of His Majesty's Justices of the Peace in and for the said State, and gave me to
 understand and be informed that _____, of _____,
 in the said State, being the owner (or occupier *as the case may be*) of certain land, to
 wit [*here sufficiently describe the land*], did not, during the simultaneous vermin
 destruction months of January, February, and March, 19____, destroy all vermin upon
 such land (and upon the half width of all roads adjoining the same), contrary to the
 form of the Statute in such case made and provided.

Taken before me at _____, }
 the day and year first above written. }

_____, J.P.

Fourth Schedule—In line 8 repeal the words "not more than."

3. Section 3 of Act 674 of 1897 shall, from the time of the passing
 of "The Vermin Act, 1905," be read and construed as though the
 words "The Vermin Act, 1905," had been inserted in the said
 section after the words "The Vermin-proof Fencing Act, 1890."

Construction of sec.
 3 of Act 674 of 1897.

4. It shall be sufficient in any information or notice required
 under this Act if such information shall give the accused a reason-
 able, clear, and intelligent statement of the offence with which he is
 charged, or if such notice shall clearly and reasonably state the
 purpose thereof, and no conviction shall be held void, invalid, or
 quashed for any defect in substance or form thereof, and the Court
 shall amend or permit the amendment of every information which in
 their opinion is defective.

Informalities of
 notices and
 informations may be
 corrected.

In the name and on behalf of His Majesty, I hereby assent to
 this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 941.

An Act to provide for the Construction of a Railway from Laura to Booleroo Centre, *via* Wirrabara, and for other purposes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as "The Laura to Booleroo Centre Railway Act, 1907," and the District Councils Act and the Acts mentioned in the First Schedule hereto, so far as the same are severally applicable, shall be incorporated herewith.

Short title and
incorporation.

2. In this Act, except where the subject-matter, or context, or other provisions hereof require a different construction—

"Commissioner" shall mean the South Australian Railways Commissioner:

"Cost of the railway" shall mean and include—

- i. The cost of constructing the railway:
- ii. The cost of purchasing or otherwise acquiring the land required for the railway, and of compensating persons interested in such land or injuriously affected by the construction:
- iii. The cost of such additional rolling-stock (if any) as may be considered requisite for the railway:
- iv. Other incidental expenses (if any) in respect of the above-mentioned matters:

"Council"

The Laura to Booleroo Centre Railway Act.—1907.

- “Council” shall mean The District Council of Port Germein :
- “District” shall mean the District of Port Germein as constituted and defined under the District Councils Act :
- “Railway” shall mean the railway to be constructed in pursuance of this Act :
- “Railway District” shall mean the Railway District constituted by this Act :
- “Ratepayer” shall mean a ratepayer within the meaning of the District Councils Act :
- “The District Councils Act” shall mean “The District Councils Act, 1887,” and all Acts amending the same or substituted therefor :
- “Year” shall mean a year ending on the thirtieth day of June.

Power to construct railway.

3. Subject to the conditions hereinafter contained, the Commissioner may construct and maintain a railway from Laura to Booleroo Centre *via* Wirrabara, together with all proper works and conveniences connected therewith, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, at Adelaide, on the twenty-first day of November, one thousand nine hundred and seven, and in the plan in the Fifth Schedule hereto, or as may be delineated in any plans that may hereafter be so deposited, pursuant to any law for the time being in force as to the deposit of such plans: Provided that in case the Houses of Parliament shall not be sitting when any plans and books of reference shall be deposited in the office of the Surveyor-General under section 9 of “The Railway Clauses Act, 1876,” the Commissioner may make deviations under the said section before causing copies of the plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament upon their next sitting.

Tenders to be called for.

4. The Commissioner shall call for public tenders for the construction of the railway, to be sent in within such time, to such place, and under such terms, conditions, and provisions as he may deem advisable, and may accept or reject any tender.

Power to construct railway though no tender accepted.

5. The Commissioner may construct the railway although no tender therefor shall have been accepted.

Gauge, &c., of railway.

6. The gauge of the railway shall be three feet six inches, and the rails to be used in the construction thereof shall be of iron or steel, and of the weight of not less than forty pounds to the yard. The total cost of the railway, including rolling-stock, shall not exceed Eighty-two Thousand Five Hundred Pounds.

Fares, tolls, and charges.

7. The Commissioner may demand for the use of the railway, and in respect thereof, and for the carriage of goods and passengers thereon, and for the loading and unloading of goods, such fares, tolls, and

The Laura to Booleroo Centre Railway Act.—1907.

and charges as may from time to time be fixed in manner prescribed by any Act or Acts under which the Commissioner may fix such fares, tolls, or charges in respect of the railways under his control.

8. Subject to the provisions of this Act, all fares, tolls, rents, dues, charges, and sums of money which may at any time be received and levied under authority hereof shall be from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said State.

Appropriation of
fares, tolls, &c.

9. The area of land defined in the plan in the Fifth Schedule hereto, and comprised within the blue line shown on such plan, is hereby constituted a Railway District for the purposes of this Act, and shall be called "The Laura and Booleroo Centre Railway District."

Constitution of the
Laura and Booleroo
Centre Railway
District.

10. Within three months from the passing of this Act the question whether the railway shall be constructed in pursuance of this Act shall be submitted by the Council to a poll of the ratepayers within the District who are assessed in respect of the land within the Railway District. A poll in pursuance of this section shall be valid although taken after the expiration of the said three months.

Question to be sub-
mitted to poll of
ratepayers.

11. Every poll of ratepayers under this Act shall be taken by ballot:—

Provisions for poll.

- i. The Council shall appoint a Returning Officer, who shall, *mutatis mutandis*, have all the powers conferred by the District Councils Act or "The Ballot Act, 1862," on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll:
- ii. The Council shall appoint a polling-place for such poll, and appoint a polling-place in each ward. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling-booth at seven o'clock in the afternoon shall have had an opportunity of voting, and shall then close:
- iii. Two scrutineers, to be present at the voting at each polling-place, shall be appointed by the Council:
- iv. At every poll the Returning Officer, if it shall appear to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the several polling-places of the District; and the same shall be so divided and allotted into compartments as to the Returning Officer may seem most convenient, and the Returning Officer shall, before the day fixed for taking the votes, cause to be furnished for use at each polling-place a copy of the assessment-book, so far as it relates to ratepayers entitled to vote, or of that portion thereof which contains the names of the ratepayers entitled

The Laura to Booleroo Centre Railway Act.—1907.

entitled to vote, and assessed for property in the ward in which such polling-place is situated, and shall, under his hand, certify such copy to be a true copy :

- v Each ratepayer entitled to vote may vote on a scale according to the amount of value at which he is assessed, as follows:—Twenty-five Pounds or under, one vote ; over Twenty-five Pounds to Thirty-five Pounds, two votes ; over Thirty-five Pounds to Forty-five Pounds, three votes ; over Forty-five Pounds to Fifty-five Pounds, four votes ; over Fifty-five Pounds to Sixty-five Pounds, five votes ; over Sixty-five Pounds upwards, six votes. No person shall have more than six votes. Both the owner and the occupier may vote in respect of any ratable property :
- vi. In case of joint tenancy, or tenancy in common, one person only shall vote, unless the assessed value of the property shall exceed Seventy-five Pounds, and then one other joint tenant, or tenant in common, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds, of assessed value, on the same scale as is allowed for the first Seventy-five Pounds, or the fractional part thereof, and joint tenants, or tenants in common entitled, may vote in the order in which they shall tender their votes, until votes shall have been taken for the whole assessed value, or all the joint tenants, or tenants in common, shall have voted :
- vii. Except as by this Act otherwise provided, no person shall have more than one vote :
- viii. Every person entitled to vote shall present himself to the Returning Officer or his Deputy at the polling-place for the District, or for the ward in respect of which such person claims to vote, and state his Christian and surname, abode, profession, or occupation, the nature of his qualification, and the place where the property or qualification is situate. The Returning Officer or Deputy shall thereupon place a mark against the voter's name on the copy of the assessment-book or the portion thereof in use at the polling-place, and hand such voter a voting-paper for every vote to which he shall be entitled, which voting-paper shall bear the initials of the Returning Officer or Deputy and the following sentences:—

“I approve of the Laura to Booleroo Centre railway being constructed in pursuance of ‘The Laura to Booleroo Centre Railway Act, 1907’ ”:

“I object to the Laura to Booleroo Centre railway being constructed in pursuance of ‘The Laura to Booleroo Centre Railway Act, 1907’ ”:

And shall have a square printed opposite each such sentence, and nothing else shall be inserted in, or placed on, such voting-paper:

ix. There

The Laura to Booleroo Centre Railway Act.—1907.

- ix. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting-paper or papers, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within one of the squares on his voting-paper, or on each of his voting-papers, as the case may be, opposite the sentence which expresses his wish, and shall then fold the paper or papers and immediately deliver it or them so folded to the Returning Officer or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them in a box to be provided for that purpose; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it be so folded as to render it impossible for the Returning Officer, his Deputy, or any other person to see which way the vote is given:
- x. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling-booth or room, shall be guilty of a misdemeanor:
- xi. Any voter may signify to the Returning Officer or his Deputy that, by reason of blindness or defective eyesight, he is unable to vote without assistance, and thereupon such Officer or Deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box:
- xii. The only persons who shall be allowed to remain in the polling booth or room shall be the persons about to vote, the Returning Officer, the Deputy Returning Officer, and the scrutineers:
- xiii. No inquiry shall be permitted at any poll as to the right of any person to vote, except as follows, that is to say:—The Returning Officer or his Deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other:—
- (1) Are you the person whose name appears as
and as the owner (*or* occupier) of the property set opposite your name in the assessment-book now in force for this District?
 - (2) Have you already voted at the present poll?
 - (3) Are

The Laura to Booleroo Centre Railway Act.—1907.

- (3) Are you the owner within the meaning of "The District Councils Act, 1887," or other Act in force relating to District Councils (*or the occupier*) of the property for which you now claim to vote?

And no person shall be entitled to vote unless his answer to the first and third questions, or such of them as shall be put to him, shall be in the affirmative, and to the second, if put, in the negative; and any person who shall wilfully make a false answer to either of such questions shall be guilty of a misdemeanor:

- xiv. Every person who shall vote a second time, or offer to vote a second time at any poll, or who shall personate any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months:
- xv. Immediately before taking the votes the Returning Officer or Deputy Returning Officer shall exhibit the ballot-box empty; and shall, immediately upon the close of the voting, publicly close and seal the box containing the voting-papers which shall have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer; and any Returning Officer or Deputy Returning Officer who shall unlawfully tamper with any ballot-box or voting-paper shall be guilty of a misdemeanor, and be liable to imprisonment for a term not exceeding six months:
- xvi. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the poll, and shall, in the presence of one at least of the scrutineers, and of as many more as choose to be present, open all the boxes containing voting-papers delivered in at the taking of the poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses against both of the above-mentioned sentences, or shall contain anything other than such matters as are hereinbefore prescribed for such voting-papers: And shall openly declare the general state of the votes at the close of the poll, as the same shall be made up by him from the voting-papers taken at the several voting-places: And shall declare the result of the poll:
- xvii. All voting-papers shall be preserved by the Returning Officer until three months after the declaration of the result of the poll.

Certificate of result
of poll.

12. The result of the poll shall be embodied in a certificate under the hand of the Returning Officer in the form of the Second Schedule to this Act, or in a form to the like effect. The certificate shall

The Laura to Booleroo Centre Railway Act.—1907.

shall be published in the *Government Gazette*, which shall, after the expiration of three months from the declaration of the result of the poll, be conclusive evidence of such result, and of the validity of the poll, and the performance of all conditions precedent thereto.

13. If the result of such poll be that two-thirds or more of the votes of all the ratepayers voting approve of the railway being constructed in pursuance of this Act, the Governor may make an order that the railway shall be constructed in pursuance of this Act, and the order shall be published in the *Government Gazette*. The railway shall not be constructed unless and until such order shall be so published.

Order for construction of railway in pursuance of this Act,

14. In assessing the purchase-money or compensation to be paid in respect of land purchased, taken, or acquired for the purposes of the undertaking hereby authorised, allowance shall be made in favor of the Commissioner for any increased value given by such undertaking to any other land of the same owner, but no such allowance shall in any case be more than the purchase-money and compensation which would, but for this section, have been payable to the owner in respect of the land so purchased, taken, or acquired.

Betterment provision.

15. A statement of the cost of the railway shall, within a reasonable time after the completion thereof, be published by the Commissioner in the *Gazette*, which shall be conclusive evidence of such cost.

Statement of cost of railway to be published in *Gazette*.

16. All moneys received in respect of goods carried on the railway shall be carried by the Commissioner to a fund to be constituted for the Railway District, and to be called "The Laura and Booleroo Centre Railway District Fund."

Constitution of fund.

17. There shall also be carried to the said fund one-half of the moneys received for the carriage of such goods on other lines.

Net profits from carriage of goods through other lines to be carried to fund.

18. Full and separate accounts shall be kept by the Commissioner of the receipts and working expenses in respect of the railway for each year, and an abstract of such accounts shall be published by the Commissioner in the *Gazette* within three months after the end of the year.

Separate accounts of railway.

19. The working expenses of the railway, which shall be a first charge upon such fund, and interest at the rate of four per centum per annum on the cost of the railway, shall be paid out of the said fund.

Working expenses and interest to be paid out of fund.

20. If in any year the amount standing to the credit of the fund shall not be sufficient to pay the working expenses in respect of such railway and interest at the rate of four per centum per annum on the cost of the railway, the deficiency in respect of the working expenses (if any) shall be made good by the Commissioner, and in respect of interest shall be made good by the District Council of Port Germein.

Deficiency (if any) how made good.

21. When

The Laura to Booleroo Centre Railway Act.—1907.

Commissioner to
make requisitions.

21. When any sum shall be required from the said Council to make good a deficiency under section 20—

1. The said Council shall, on the request of the Commissioner, furnish to him a certificate under the hand of the chairman of the Council showing the assessed value of the ratable property in such District and situated within the Railway District:

II. The Commissioner shall forward to the clerk of the said Council a requisition under the hand of the Commissioner for the required sum chargeable to such Council.

III. Every such requisition shall be published in the *Government Gazette*, which shall be conclusive evidence of the validity of the requisition, and of the due performance of all conditions precedent thereto, and to the declaring of a rate under the provisions hereinafter contained.

Council to declare
rate

22. Upon any such requisition being so forwarded, the Council shall forthwith declare a rate sufficient to produce the sum mentioned in the requisition.

Railway rate, how to
be declared.

23. Such rate shall be called a railway rate, and shall be declared on the assessment then in force, and on the ratable property situated in the District and comprised within the Railway District.

Use or transcription
of existing assess-
ment-book.

24. For the purposes of such rate the Council may either use the assessment-book already existing or may transcribe the necessary portions thereof into a separate assessment-book, and may make such apportionment, or separate and fresh assessment, as shall appear just in any case where only part of the property comprised in one assessment shall be situated within the Railway District.

Railway rate to be
entered in assessment-
book.

25. The railway rate when declared shall be entered in Part II. of the assessment-book, and so that particulars, similar to those required in the case of other rates made by the Council, shall be entered in a proper column opposite the names of the ratepayers liable to pay the railway rate, and the assessment-book shall at all times show a complete record of the moneys due for such rate in respect of every assessed property.

Additions to or altera-
tions of assessment-
book.

26. The Council may make such additions to or alterations in the form of Part II. of the assessment-book used for the railway rate as shall be expedient for carrying out the purposes of this Act.

Notice of railway
rate.

27. Within fourteen days after declaring any railway rate the Council shall cause notice to be given in the *Government Gazette*, and in a newspaper (if any) generally circulating in its District, of the nature and amount of the rate, in the form in the Third Schedule hereto, or in a form to the like effect.

28. If

The Laura to Booleroo Centre Railway Act.—1907.

28. If within two years from the publication in the *Government Gazette* of a requisition upon the said Council as hereinbefore provided the amount of the requisition shall not be paid to the Commissioner, he may publish in the *Government Gazette* a notice in the form in the Fourth Schedule hereto, or in a form to the like effect.

If amount of requisition not paid within two years Commissioner may publish notice.

29. Upon such publication all the rights and powers of the Council in reference to the recovery of the railway rate or rates mentioned in the notice, or for the letting or sale of land for non-payment of such rate or rates, shall be transferred to and vested in the Commissioner; and the Commissioner, or any person authorised by him in that behalf, may exercise any power or do any act which could before such publication have been exercised or done in reference to the recovery of any such rates by any district clerk, collector, receiver, or other officer of or person acting under the authority of the Council.

Transfer to Commissioner of Council's rights for recovery of rate.

30. If any railway rate shall not within one year from its declaration produce the required sum, the Council shall from time to time declare another railway rate until the required sum shall be produced; and all the provisions of this Act with regard to a rate declared under section 22 shall, so far as applicable, apply to a rate under this section.

Supplementary railway rates.

31. If any railway rate shall produce more money than required for its purpose, the surplus shall be held by the Council as a fund applicable towards meeting any requisition thereafter made by the Commissioner under this Act, and so much thereof as shall not be required for that purpose within five years from the declaration of the rate shall be applied from time to time towards payment of any District Council rate due in respect of the ratable property on which the railway rate shall have been paid.

Application of surplus of railway rate.

32. All the provisions of the District Councils Act, so far as the same relate to rates declared under such Act, and the recovery thereof (except as to limitations of the amounts of such rates) shall, subject to the provisions of this Act and so far as applicable, apply to railway rates under this Act.

Application of District Councils Act to railway rates.

33. The *Government Gazette* containing a notice of the declaring of a railway rate in the form in the Third Schedule hereto, or in a form to the like effect, shall be evidence, and, except on proceedings to quash such rate, shall be conclusive evidence that the rate has been duly declared.

Government Gazette evidence of railway rate.

34. The moneys received by a railway rate shall, up to the amount for which the Commissioner shall have made a requisition, be paid to him by the Council.

Payment of railway rate to Commissioner.

35. The

The Laura to Booleroo Centre Railway Act.—1907.

Government Gazette
to be evidence of
statement, &c.

35. The *Government Gazette* containing any order, statement, notice, requisition, or other publication made or given by the Governor or the Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such order, statement, notice, requisition, or other publication, and of the facts stated, recited, or assumed therein; and no such order, statement, notice, requisition, or other publication shall be invalid by reason of any thing required as preliminary thereto not having been duly done.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.

The Laura to Booleroo Centre Railway Act.—1907.

SCHEDULES.

THE FIRST SCHEDULE.

"The Lands Clauses Consolidation Act."

Act No. 26 of 1855-6, to amend "The Lands Clauses Consolidation Act."

"The Lands Clauses Consolidation Amendment Act, 1881."

"The Railways Clauses Consolidation Act."

Act No. 6 of 1858, to amend "The Railways Clauses Consolidation Act."

"The Railways Clauses Act, 1876."

"The South Australian Railways Commissioners Act, 1887."

"The South Australian Railways Commissioners Act Amendment Act, 1894."

All other Acts passed, or hereafter to be passed, amending any of the said Acts, or substituted therefor.

THE SECOND SCHEDULE.

THE LAURA TO BOOLEROO CENTRE RAILWAY.

I, [name of Returning Officer], certify that a poll taken on the _____ day of _____, 19____, in the District of Port Germein on the question whether the above-mentioned railway should be constructed in pursuance of "The Laura to Booleroo Centre Railway Act, 1907," resulted as follows:—

Number of votes in approval of the line being so constructed . .

Number of votes in objection thereto

Number of informal votes

Total number of votes

Dated this _____ day of _____, 19____.

[Signature] _____ Returning Officer.

THE THIRD SCHEDULE.

NOTICE OF RAILWAY RATE.

At a meeting of the District Council of Port Germein, duly held on the _____ day of _____, 19____, a railway rate was declared of _____ in the pound upon the assessment of that part of the District of Port Germein which is situated within the Laura and Booleroo Centre Railway District; and all persons liable are required to pay the amount of the rate, according to the assessment, to the District Clerk (or Collector or other officer) at the district office.

Dated this _____ day of _____, 19____.

[Signed] A. B.,

Chairman of the District Council of Port Germein (or District Clerk).

THE

The Laura to Booleroo Centre Railway Act.—1907.

THE FOURTH SCHEDULE.

THE LAURA AND BOOLEROO CENTRE RAILWAY DISTRICT.

District of Port Germein.

Notice is hereby given that all moneys unpaid in respect of the railway rate (or rates) declared by the District Council of Port Germein on the day of 19 [if more than one rate add date of declaration of every other rate] are to be paid to the South Australian Railways Commissioner.

Dated this day of 19 .

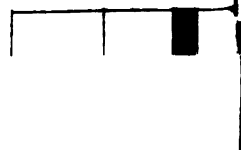
[Signature of Commissioner]

The South Australian Railways Commissioner.

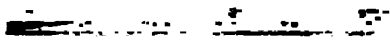
THE FIFTH SCHEDULE.

[PLAN.]

PLAN



/





ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 942.

An Act to authorise the Construction of a Railway from Gawler to Angaston, and for other purposes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. 'This Act may be cited as "The Gawler to Angaston Railway Act, 1907," and The District Councils Act and the Acts mentioned in the First Schedule hereto, so far as the same are severally applicable, shall be incorporated herewith.

Short title and incorporation.

2. In this Act, except where the subject-matter, or context, or other provisions hereof require a different construction—

Interpretation.

"Commissioner" shall mean the South Australian Railways Commissioner:

"Cost of the railway" shall mean and include—

- i. The cost of constructing the railway:
- ii The cost of purchasing or otherwise acquiring the land required for the railway, and of compensating persons interested in such land or injuriously affected by the construction:
- iii. The cost of such additional rolling-stock (if any) as may be considered requisite for the railway:
- iv. Other incidental expenses (if any) in respect of the above-mentioned matters:

"Council"

The Gawler to Angaston Railway Act.—1907.

“Council” shall mean the District Council of the District concerned :

“District Council District” shall mean a District under The District Councils Act :

“Gazette” shall mean *The South Australian Government Gazette* :

“Railway” shall mean the railway to be constructed in pursuance of this Act :

“Railway District” shall mean the Railway District constituted by this Act :

“Ratepayer” shall mean a ratepayer within the meaning of The District Councils Act :

“The District Councils Act” shall mean “The District Councils Act, 1887,” and all Acts amending the same or substituted therefor :

“Year” shall mean a year ending on the thirtieth day of June.

Power to construct railway.

3. Subject to the provisions hereinafter contained, the Commissioner may construct and maintain a railway from Gawler to Angaston, together with all proper works and conveniences connected therewith, as the said railway is delineated in the plan deposited in the office of the Surveyor-General, at Adelaide, on the twenty-first day of November, one thousand nine hundred and seven, and in the plan in the Fifth Schedule hereto, or as may be delineated in any plans that may hereafter be so deposited pursuant to any law for the time being in force as to the deposit of such plans: Provided that in case the Houses of Parliament shall not be sitting when any plans and books of reference shall be deposited in the office of the Surveyor-General under section 9 of “The Railway Clauses Act, 1876,” the Commissioner may make deviations under the said section before causing copies of the plans and books of reference to be laid before Parliament, but such copies shall be laid before both Houses of Parliament upon their next sitting.

Tenders to be called for.

4. The Commissioner shall call for public tenders for the construction of the railway, to be sent in within such time, to such place, and under such terms, conditions, and provisions as he may deem advisable, and may accept or reject any tender.

Power to construct railway though no tender accepted.

5. The Commissioner may construct the railway although no tender therefor shall be accepted.

Gauge, &c., and cost of railway.

6. The gauge of the railway shall be five feet three inches, and the rails to be used in the construction thereof shall be of iron or steel, and of the weight of not less than sixty pounds to the yard. The total cost of the railway, including rolling-stock, shall not exceed Two Hundred and Fourteen Thousand Pounds.

Fares, tolls, and charges.

7. The Commissioner may demand for the use of the railway, and in respect thereof, and for the carriage of goods and passengers

The Gawler to Angaston Railway Act.—1907.

passengers thereon, and for the loading and unloading of goods, such fares, tolls, and charges as may from time to time be fixed in manner prescribed by any Act or Acts under which the Commissioner may fix such fares, tolls, or charges in respect of the railways under his control.

8. Subject to the provisions of this Act, all fares, tolls, rents, dues, charges, and sums of money which may at any time be received and levied under authority hereof shall be from time to time, in such manner as the Governor may prescribe, paid to the Treasurer for the public purposes of the said State.

Appropriation of fares, tolls, &c.

9. The area of land defined in the plan in the Fifth Schedule hereto, and comprised within the blue line shown on such plan, is hereby constituted a Railway District for the purposes of this Act, and shall be called "The Angaston Railway District."

Constitution of "The Angaston Railway District."

10. Within three months from the passing of this Act the question whether the railway shall be constructed in pursuance of this Act shall be submitted by each of the Councils of the Districts of Barossa, Mount Crawford, South Rhine, Tanunda, Nuriootpa, Angaston, and Belvidere, respectively, to a poll of the ratepayers within the District of each such Council who are assessed in respect of the land within the Railway District. A poll in pursuance of this section shall be valid although taken after the expiration of the said three months.

Questions to be submitted to poll of ratepayers.

11. Every poll of ratepayers under this Act shall be taken by ballot:—

Provisions for poll.

- i. The Council shall appoint a Returning Officer, who shall, *mutatis mutandis*, have all the powers conferred by The District Councils Act, or "The Ballot Act, 1862," on a Returning Officer in case of an election, including the power to appoint deputies, and shall preside at the taking of the poll:
- ii. The Council shall appoint a polling-place for such poll, and where the District is divided into wards shall appoint a polling-place in each ward. The taking of the poll shall commence at eight o'clock in the forenoon, and shall continue open until all the voters present in the polling-booth at seven o'clock in the afternoon shall have had an opportunity of voting, and shall then close:
- iii. Two scrutineers, to be present at the voting at each polling-place, shall be appointed by the Council:
- iv. At every poll the Returning Officer, if it shall appear to him expedient, may cause booths to be erected, or rooms to be hired and used as booths, at the several polling-places of the District; and the same shall be so divided and allotted into compartments as to the Returning Officer may seem most convenient, and the Returning Officer shall, before the

the

The Gawler to Angaston Railway Act.—1907.

the day fixed for taking the votes, cause to be furnished for use at each polling-place a copy of the assessment-book so far as it relates to ratepayers entitled to vote, or of that portion thereof which contains the names of the ratepayers entitled to vote, and assessed for property in the ward in which such polling-place is situated, and shall, under his hand, certify such copy to be a true copy :

- v. Each ratepayer entitled to vote may vote on a scale according to the amount of value at which he is assessed, as follows:—Twenty-five Pounds or under, one vote ; over Twenty-five Pounds to Thirty-five Pounds, two votes ; over Thirty-five Pounds to Forty-five Pounds, three votes ; over Forty-five Pounds to Fifty-five Pounds, four votes ; over Fifty-five Pounds to Sixty-five Pounds, five votes ; over Sixty-five Pounds upwards, six votes. No person shall have more than six votes. Both the owner and the occupier may vote in respect of any ratable property :
- vi. In case of joint tenancy or tenancy in common, one person only shall vote unless the assessed value of the property shall exceed Seventy-five Pounds, and then one other joint tenant, or tenant in common, may vote for each additional Seventy-five Pounds, or for any fractional part of Seventy-five Pounds, of assessed value, on the same scale as is allowed for the first Seventy-five Pounds, or the fractional part thereof, and joint tenants, or tenants in common entitled, may vote in the order in which they shall tender their votes, until votes shall have been taken for the whole assessed value, or all the joint tenants, or tenants in common, shall have voted :
- vii. Except as by this Act otherwise provided, no person shall have more than one vote :
- viii. Every person entitled to vote shall present himself to the Returning Officer, or his Deputy, at the polling-place for the District or for the ward in respect of which such person claims to vote, and state his Christian and surname, abode, profession, or occupation, the nature of his qualification, and the place where the property or qualification is situate. The Returning Officer, or Deputy, shall thereupon place a mark against the voter's name on the copy of the assessment-book or the portion thereof in use at the polling-place, and hand such voter a voting-paper for every vote to which he shall be entitled, which voting-paper shall bear the initials of the Returning Officer, or Deputy, and the following sentences :—

“I approve of the Angaston railway being constructed in pursuance of ‘The Gawler to Angaston Railway Act, 1907’ :

“I object to the Angaston railway being constructed in pursuance of ‘The Gawler to Angaston Railway Act, 1907.’” : And

The Gawler to Angaston Railway Act.—1907.

And shall have a square printed opposite each such sentence, and nothing else shall be inserted in, or placed on, such voting-paper :

- ix. There shall be provided one or more separate apartments or places forming part of the polling-booth, into which the voter shall, on receiving his voting paper or papers, immediately retire, and there alone and in private, without interruption, indicate his vote or votes by making a cross within one of the squares on his voting-paper, or on each of his voting-papers, as the case may be, opposite the sentence which expresses his wish, and shall then fold the paper or papers and immediately deliver it or them so folded to the Returning Officer or his Deputy, who shall forthwith publicly, and without opening the same, deposit it or them in a box to be provided for that purpose ; and no voting-paper so deposited in any box shall on any account be taken therefrom unless in the presence of the scrutineers after the close of the poll. No voting-paper shall be received unless it be so folded as to render it impossible for the Returning Officer, his Deputy, or any other person to see which way the vote is given :
- x. Any voter wilfully infringing any of the provisions of this section, or obstructing the voting by any unnecessary delay in performing any act within the said polling-booth or room, shall be guilty of a misdemeanor :
- xi. Any voter may signify to the Returning Officer or his Deputy that, by reason of blindness or defective eyesight, he is unable to vote without assistance, and thereupon such Officer or Deputy, if satisfied of such inability, shall permit any agent named by such voter to accompany him into the apartment or place for voting to mark the voting-paper on such voter's behalf, and shall receive such paper from such agent and deposit it in the ballot-box :
- xii. The only persons who shall be allowed to remain in the polling-booth or room shall be the persons about to vote, the Returning Officer, the Deputy Returning Officer, and the scrutineers :
- xiii. No inquiry shall be permitted at any poll as to the right of any person to vote, except as follows, that is to say :—The Returning Officer or his Deputy may, or if required by any scrutineer shall, put to any person applying for a voting-paper at the time of his so applying, but not afterwards, the following questions, or any of them, and no other :—
 - (1) Are you the person whose name appears as
and as the owner (*or* occupier) of the property set opposite your name in the assessment-book now in force for this District ?
 - (2) Have

The Gawler to Angaston Railway Act.—1907.

(2) Have you already voted at the present poll?

(3) Are you the owner (*or* the occupier) within the meaning of "The District Councils Act, 1887" (*or* other Act in force relating to District Councils) of the property for which you now claim to vote?

And no person shall be entitled to vote unless his answer to the first and third questions, or such of them as shall be put to him, shall be in the affirmative, and to the second, if put, in the negative; and any person who shall wilfully make a false answer to either of such questions shall be guilty of a misdemeanor:

xiv. Every person who shall vote a second time, or offer to vote a second time, at any poll, or who shall personate any other person for the purpose of voting at any such poll, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned for a term not exceeding six months:

xv. Immediately before taking the votes the Returning Officer, or Deputy Returning Officer, shall exhibit the ballot-box empty; and shall, immediately upon the close of the voting, publicly close and seal the box containing the voting-papers which shall have been taken at the voting-place at which he presided, and each Deputy Returning Officer shall, with as little delay as possible, deliver, or cause his box to be delivered, to the Returning Officer; and any Returning Officer or Deputy Returning Officer who shall unlawfully tamper with any ballot-box or voting-paper shall be guilty of a misdemeanor, and be liable to imprisonment for a term not exceeding six months:

xvi. At the close of the poll the Returning Officer shall fix a time, as soon as conveniently may be, for examining the votes and declaring the result of the poll, and shall, in the presence of one at least of the scrutineers, and of as many more as choose to be present, open all the boxes containing voting-papers delivered in at the taking of the poll, and shall examine such voting-papers, and shall reject all such as shall contain crosses against both of the above-mentioned sentences, or shall contain anything other than such matters as are hereinbefore prescribed for such voting-papers: And shall openly declare the general state of the votes at the close of the poll, as the same shall be made up by him from the voting-papers taken at the several voting-places: And shall declare the result of the poll:

xvii. All voting-papers shall be preserved by the Returning Officer until three months after the declaration of the result of the poll.

Certificate of result
of poll.

12. The result of each poll shall be embodied in a certificate under the hand of the Returning Officer in the form of the Second Schedule

The Gawler to Angaston Railway Act.—1907.

Schedule to this Act, or in a form to the like effect. The certificates shall be published in the *Gazette*, which shall, after the expiration of three months from the declaration of the result, be conclusive evidence of such result, and of the validity of the poll, and the performance of all conditions precedent thereto.

13. If the results of such polls be that two-thirds or more of the votes of all the ratepayers voting approve of the railway being constructed in pursuance of this Act, the Governor may make an order that the railway shall be constructed in pursuance of this Act, and the order shall be published in the *Gazette*. The railway shall not be constructed unless and until such order shall be so published.

Order for construction of railway in pursuance of this Act.

14. In assessing the purchase-money or compensation to be paid in respect of land purchased, taken, or acquired for the purposes of the undertaking hereby authorised, allowance shall be made in favor of the Commissioner for any increased value given by such undertaking to any other land of the same owner, but no such allowance shall in any case be more than the purchase-money and compensation which would, but for this section, have been payable to the owner in respect of the land so purchased, taken, or acquired.

Betterment provision

15. A statement of the cost of the railway shall, within a reasonable time after the completion thereof, be published by the Commissioner in the *Gazette*, which shall be conclusive evidence of such cost.

Statement of cost of railway to be published in *Gazette*.

16. All moneys received in respect of goods carried on the railway shall be carried by the Commissioner to a fund to be constituted for the Railway District, and to be called "The Angaston Railway District Fund."

Constitution of fund.

17. There shall also be carried to the said fund one-half of the moneys received for the carriage of such goods on other lines.

Net profits from carriage of goods through other lines to be carried to fund.

18. Full and separate accounts shall be kept by the Commissioner of the receipts and working expenses in respect of the railway for each year, and an abstract of such accounts shall be published by the Commissioner in the *Gazette* within three months after the end of the year.

Separate accounts of railway.

19. The working expenses of the railway, which shall be a first charge upon such fund, and interest at the rate of four per cent. per annum on the cost of the railway, shall be paid out of the said fund.

Working expenses and interest to be paid out of fund.

20. If in any year the amount standing to the credit of the fund shall not be sufficient to pay the working expenses in respect of such railway and interest at the rate of four per centum per annum on the cost of the railway, the deficiency in respect of the working expenses, if any, shall be made good by the Commissioner, and in respect

Deficiency, if any, how made good.

The Gawler to Angaston Railway Act.—1907.

respect of interest shall be made good by the District Councils of Barossa, Mount Crawford, South Rhine, Tanunda, Nuriootpa, Angaston, and Belvidere, respectively, in manner hereinafter provided.

Commissioner to
make requisitions.

21. When any sum shall be required from the said District Councils to make good a deficiency in respect of interest under section 20—

- i. Each of the said District Councils shall, on the request of the Commissioner, furnish to him a certificate under the hand of the chairman of the Council showing the assessed value of the ratable property in its District and situated within the Railway District:
- ii. The Commissioner shall apportion the sum required between the said District Councils in proportion to the assessed value, according to the District Council assessment for the time being in force, of the ratable property comprised in the Railway District and situated in the District of each such Council; and shall forward to the clerk of each such Council a requisition under the hand of the Commissioner for the proportion of the required sum chargeable to such District Council according to the Commissioner's apportionment:
- iii. Every such requisition shall be published in the *Gazette*, which shall be conclusive evidence of the validity of the requisition, and of the due performance of all conditions precedent thereto, and to the declaring of a rate under the provisions hereinafter contained.

Council to declare
rate.

22. Upon any such requisition being so forwarded, the Council concerned shall forthwith declare a rate sufficient to produce the sum mentioned in the requisition.

Railway rate, how to
be declared.

23. Such rate shall be called a railway rate, and shall be declared on the assessment then in force, and on the ratable property situated in the District Council District and comprised within the Railway District.

Use or transcription
of existing assess-
ment-book.

24. For the purposes of such rate the Council may either use the assessment-book already existing or may transcribe the necessary portions thereof into a separate assessment-book, and may make such apportionment, or separate and fresh assessment, as shall appear just in any case where only part of the property comprised in one assessment shall be situated within the Railway District.

Railway rate to be
entered in assessment-
book.

25. The railway rate when declared shall be entered in Part II. of the assessment-book, and so that particulars, similar to those required in the case of other rates made by the Council, shall be entered in a proper column opposite the names of the ratepayers liable to pay the railway rate, and the assessment-book shall at all times show a complete record of the moneys due for such rate in respect of every assessed property.

26. The

The Gairler to Angaston Railway Act.—1907.

26. The Council may make such additions to or alterations in the form of Part II. of the assessment-book used for the railway rate as shall be expedient for carrying out the purposes of this Act.

Additions to or alterations of assessment-book.

27. Within fourteen days after declaring any railway rate the Council shall cause notice to be given in the *Gazette*, and in a newspaper (if any) generally circulating in its District, of the nature and amount of the rate, in the form in the Third Schedule hereto, or in a form to the like effect.

Notice of railway rate.

28. If within two years from the publication in the *Gazette* of a requisition upon either of the said District Councils as hereinbefore provided the amount of the requisition shall not be paid to the Commissioner, he may publish in the *Gazette* a notice in the form in the Fourth Schedule hereto, or in a form to the like effect.

If amount of requisition not paid within two years Commissioner may publish notice.

29. Upon such publication all the rights and powers of the Council in reference to the recovery of the railway rate or rates mentioned in the notice, or for the letting or sale of land for non-payment of such rate or rates, shall be transferred to and vested in the Commissioner; and the Commissioner, or any person authorised by him in that behalf, may exercise any power or do any act which could before such publication have been exercised or done in reference to the recovery of any such rates by any district clerk, collector, receiver, or other officer of or person acting under the authority of the Council.

Transfer to Commissioner of Council's rights for recovery of rate.

30. If any railway rate shall not within one year from its declaration produce the required sum, the Council shall from time to time declare another railway rate until the required sum shall be produced; and all the provisions of this Act with regard to a rate declared under section 22 shall, so far as applicable, apply to a rate under this section.

Supplementary railway rates.

31. If any railway rate shall produce more money than required for its purpose, the surplus shall be held by the Council as a fund applicable towards meeting any requisition thereafter made by the Commissioner under this Act, and so much thereof as shall not be required for that purpose within five years from the declaration of the rate shall be applied from time to time towards payment of any District Council rate due in respect of the ratable property on which the railway rate shall have been paid.

Application of surplus of railway rate.

32. All the provisions of The District Councils Act, so far as the same relate to rates declared under such Act and the recovery thereof (except as to limitations of the amounts of such rates), shall, subject to the provisions of this Act and so far as applicable, apply to railway rates under this Act.

Application of District Councils Act to railway rates.

33. The

The Gauder to Angaston Railway Act.—1907.

*Gazette evidence of
railway rate.*

33. The *Gazette* containing a notice of the declaring of a railway rate in the form in the Third Schedule hereto, or in a form to the like effect, shall be evidence, and, except on proceedings to quash such rate, shall be conclusive evidence that the rate has been duly declared.

*Payment of railway
rate to Commissioner.*

34. The moneys received by a railway rate shall, up to the amount for which the Commissioner shall have made a requisition, be paid to him by the Council.

*Gazette to be
evidence of
statement, &c.*

35. The *Gazette* containing any order, statement, notice, requisition, or other publication made or given by the Governor or the Commissioner under this Act shall be conclusive evidence of the fact, tenor, and validity of such order, statement, notice, requisition, or other publication, and of the facts stated, recited, or assumed therein; and no such order, statement, notice, requisition, or other publication shall be invalid by reason of anything required as preliminary thereto not having been duly done.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor

The Gawler to Angaston Railway Act.—1907.

SCHEDULES.

THE FIRST SCHEDULE.

“The Lands Clauses Consolidation Act.”

Act No. 26 of 1855-6, to amend “The Lands Clauses Consolidation Act.”

“The Lands Clauses Consolidation Amendment Act, 1881.”

“The Railway Clauses Consolidation Act.”

Act No. 6 of 1858, to amend “The Railways Clauses Consolidation Act.”

“The Railways Clauses Act, 1876.”

“The South Australian Railways Commissioners Act, 1887.”

“The South Australian Railways Commissioners Act Amendment Act, 1894.”

All other Acts passed, or hereafter to be passed, amending any of the said Acts, or substituted therefor.

THE SECOND SCHEDULE.

THE ANGASTON RAILWAY.

I, [name of Returning Officer], certify that a poll taken on the day of , 19 , in the District of Barossa (or Mount Crawford, South Rhine, Tanunda, Nuriootpa, Angaston, or Belvidere, as the case may require) on the question whether the above-mentioned railway should be constructed in pursuance of “The Gawler to Angaston Railway Act, 1907,” resulted as follows:—

Number of votes in approval of the line being so constructed..

Number of votes in objection thereto

Number of informal votes

Total number of votes.....

Dated this day of , 19 [Signature] Returning Officer.

THE THIRD SCHEDULE.

NOTICE OF RAILWAY RATE.

At a meeting of the District Council of , duly held on the day of , 19 , a railway rate was declared of in the pound upon the assessment of that part of the District of which is situated within The Angaston Railway District; and all persons liable are required to pay the amount of the rate, according to the assessment, to the District Clerk (or Collector or other officer) at the district office.

Dated this day of , 19 .
[Signed] A. B.,
Chairman of the District Council (or District Clerk).

THE

The Gawler to Angaston Railway Act.—1907.

THE FOURTH SCHEDULE.

THE ANGASTON RAILWAY DISTRICT.

District of

Notice is hereby given that all moneys unpaid in respect of the rate
(or rates) declared by the District Council of
on the day of 19 .
[if more than one rate add date of declaration of every other rate] are to be paid to the
South Australian Railways Commissioner.

Dated this

day of

19

(l.s.)

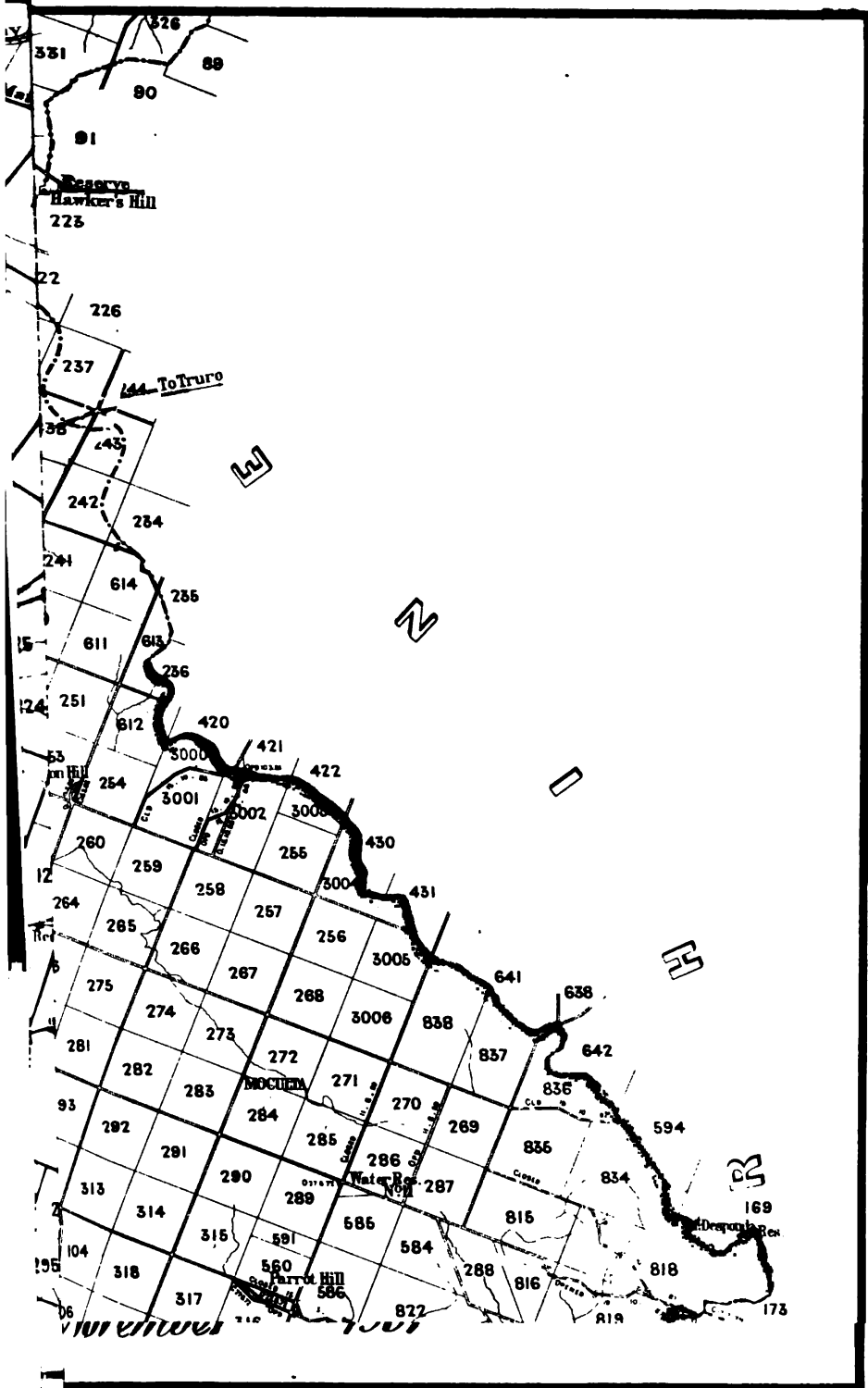
[Signature of Commissioner]

The South Australian Railways Commissioner.

THE FIFTH SCHEDULE.

[PLAN.]

PLAN





ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 943.

An Act to make Further Provision for the Suppression of Gaming, and for other purposes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as "The Gaming Further Suppression Act, 1907." Short title.

2. "The Lottery and Gaming Act, 1875," "The Totalizator Repeal Act," "The Gaming Further Suppression Act, 1897," "The Lottery and Gaming Act Amendment Act, 1888," and "The Gaming Law Amendment Act, 1902," are hereby incorporated with this Act, and shall for all purposes be read and construed as though the whole of them and this Act were one Act. If any inconsistency or repugnancy shall exist between any of the Acts hereby incorporated, and any other or others of them, the latest Act shall prevail. Incorporation of Acts.

3. In the construction and interpretation of this Act and of the Acts hereinbefore expressed to be incorporated herewith the words in this section following, and being in inverted commas, shall (unless repugnant to the context) have the respective meanings hereinafter respectively assigned to them, namely :— Definitions.

"Court" shall mean a Special Magistrate or two or more Justices of the Peace sitting as a Court of Summary Jurisdiction :

"Illegal lottery" shall mean and include every lottery drawn, conducted, or managed in South Australia or elsewhere which would,

The Gaming Further Suppression Act.—1907.

would, according to the laws of the said State for the time being in force, be deemed to be illegal if the same were drawn, conducted, or managed in South Australia.

“Loiter” shall mean to idle or linger about:

“Unlawful gaming” shall mean, in addition to the meaning assigned to such words by section 1 of “The Gaming Law Amendment Act, 1902,” the playing at or engaging in any game with cards or other instruments, or with money, in or as the result of which game any person or persons derives or is intended to derive (other than in his capacity as a player) any part or percentage of any money or thing played for, staked, or wagered, such part or percentage not being money received for deposit in any licensed totalizator:

“This Act” shall mean and include this Act and the Acts hereinbefore expressed in section 1 to be incorporated herewith:

“Street” shall mean and include every public street, or thoroughfare, or private street, or road commonly used by or to which the public are permitted to have access:

“Public place” shall mean and include every public place and every place to which the public are permitted to have access, tacitly or otherwise, and whether upon payment of money or not.

More than one offence may be charged in information.

New.

4. In any information laid in respect of any alleged offence or offences against this Act any number of offences to the number of not more than three may be in such information charged against the defendant and evidence given in support thereof; and the Court may convict such defendant of any one of such offences as to the satisfaction of the Court shall have been proved, and may inflict such penalty therefor as is by law provided.

Money paid as result of betting may be recovered back.

New.

5. The fact that any persons under the age of twenty-one years of age making a wager or bet does so on behalf of another person shall not exempt a person making a wager or bet with such first-named person from the punishment imposed by section 4 of “The Gaming Further Suppression Act, 1897.”

Members of Police Force not to be convicted or to be deemed accomplices.

New.

6. No member of the Police Force acting under the order or instructions of any other member of such Force who shall be his superior in rank, shall be deemed to be an accomplice in the commission of any offence against this Act, nor shall the member giving such order or instructions nor the member who shall act in pursuance or attempted pursuance thereof be liable to conviction or punishment for any act or matter done or committed by either of them in relation to or under such order or instructions, although but for this section such members or either of them might have been deemed to be such accomplices or accomplice or have been liable to such conviction and punishment.

7. Any

The Gaming Further Suppression Act.—1907.

7. Any person who shall be in or upon any street or public place for the purpose of betting or wagering shall be guilty of an offence, and liable to a penalty not exceeding Fifty Pounds.

Being in street for purpose of betting an offence.

New.

8. Any club, company, or person for the time being having the use, occupancy, or control of any ground or place upon which is then being carried on any horse-racing, foot-racing, cycle-racing, football match, cricket match, or any other sport of a kind usually attended by the public may require any police officer to, without warrant, arrest and remove, and such police officer shall thereupon arrest and remove from such ground or place any person who by such club, company, or person, or any of their officers or servants, shall be suspected on reasonable grounds of being or having been on that day engaged on such ground or place in doing any act or thing in contravention of the provisions of this Act or any of them. Any person re-entering or being again upon such ground or place after such removal and during the same day on which he shall have been so removed shall be liable to a penalty of Fifty Pounds or to imprisonment for not longer than two months. Any police officer acting in accordance with such instructions shall not be deemed guilty of any offence or be liable to any fine, penalty, imprisonment, or in damages in consequence of so acting.

Removal of persons from racecourses, &c., of persons suspected of offence against Act.

Adapted from Vic. Act.

9. No person (other than the defendant) required to be examined as a witness in the hearing of any information laid in relation to any offence alleged to have been committed against the provisions of this Act, or any of them, shall be excused from being so examined or from answering any question or questions put to him as such witness on the ground that his evidence or the answer to any such question or questions might tend to incriminate him or render him liable to a prosecution; and any such person so required to be examined who refuses to make oath accordingly or to answer any question or questions shall be liable to the same penalties and to be dealt with in all respects as any witness may be dealt with for refusing to be sworn or to give evidence: Provided that every person so required to be examined who shall upon such examination make a true and faithful discovery to the best of his knowledge of all matters as to which he is examined shall receive from the Court a certificate in writing to that effect, and he shall upon the receipt of such certificate, but not in other case, be freed from all prosecution, penalties, and punishment to which he might have been or become liable in respect of the matters touching which he has been so examined.

Witnesses not to claim privilege on ground of evidence tending to incriminate.

New.

10. The several allegations hereinafter specified if made in any information laid in respect of any alleged offence or offences against this Act shall be accepted by the Court as evidence of the truth of such allegations unless the contrary shall be proved, namely—

Allegations to be *prima facie* proof.

New.

- (a) The allegation that any person, firm, company, or partnership (as the case may be) in such information named is the owner

The Gaming Further Suppression Act.—1907.

owner, user, or occupier (as the case may be) of any place, room, or premises in such information mentioned.

- (b) The allegations that any horse race, cycle race, or foot race (as the case may be) in such information mentioned was run at a place and on a date therein specified, and that any horse or horses or person or persons named in such information took part in any race therein mentioned.

Occupancy of premises deemed to be with knowledge of owner.

11. Any person, club, firm, company, or partnership using or occupying any place, room, or premises for the purpose of unlawful gaming shall be deemed to be so using or occupying such place for such purpose with the knowledge and consent of the owner and the immediate landlord of such place or premises unless the contrary shall be proved.

Totalizator investments not to be solicited.

12. Any person who shall upon any racecourse or in any other public place or street, directly or indirectly, invite or solicit any other person to give or entrust to him any money or valuable thing for the purpose or intent that such money or thing or any part thereof respectively shall be placed or invested in any totalizator (whether such totalizator shall be lawful or not) shall be guilty of an offence, and be liable to a penalty not exceeding Twenty-five Pounds or to imprisonment for not longer than two months.

Unlawful games.
Vic. Act.

13. The games commonly known as “faro,” “banker,” “fantan,” “two up,” “hazard,” and all other games played in the same way or of a kindred nature, are hereby declared to be unlawful games.

Publication of information regarding lotteries prohibited.

Vide Vic. Act 2055 of 1906.

14. No person shall—

- (a) Print, publish, or exhibit, or cause to be printed, published, or exhibited in any newspaper or on any placard, handbill, circular, or card, nor shall any person registered as the proprietor, printer, or publisher of any newspaper permit or suffer to be printed or published in such newspaper, any advertisement, sign, notice, or other information of or relating to the establishing, commencing, promoting, carrying on, or drawing, or intended establishing, commencing, promoting, carrying on, or drawing of any illegal lottery, whether wholly or partly established, commenced, carried on, promoted, or managed in South Australia or elsewhere; or
- (b) Print any ticket or other thing entitling or intended to entitle any person or persons to any chance or share in any illegal lottery; or
- (c) Sell, circulate, exhibit, or dispose of any newspaper printed in any part of the Commonwealth of Australia which contains any advertisement, sign, notice, or information relating to any illegal lottery, or the drawing, conducting, or management thereof.

15. No

The Gaming Further Suppression Act.—1907.

15. No person shall sell, or offer for sale, or deliver, or give, or buy, or pay for, or knowingly receive or accept any ticket, chance, or share in any illegal lottery.

Unlawful to buy, or sell, or accept any ticket in illegal lottery.

16. (a) Every person shall be guilty of an offence who placards, posts up, or exhibits, or permits or suffers to be placarded, posted up, or exhibited, or who assists in placarding, posting up, or exhibiting in or on or about any land, building, hoarding, or premises any information or notice relating to any illegal lottery.

Posting up of placards relating to illegal lotteries forbidden.

(b) Where any such information or notice is placarded, posted up, or exhibited on any land, building, or premises it shall, unless the contrary be proved, be presumed to have been so placarded, posted up, or exhibited by or with the permission of the occupier of such land, building, hoarding, or premises.

17. No person shall for gain or otherwise in any manner whatever, directly or indirectly, forward or partly forward, or give or receive for the purpose or intent that the same shall be so forwarded, any packet or parcel or money, cheque, draft, order for the payment of money, or valuable thing whatsoever to the promoters, managers, or conductors of any illegal lottery or sweepstakes conducted or drawn or intended to be conducted or drawn in any State, country, or place out of South Australia or not, and whether such lottery or sweepstakes shall be illegal according to the law of such State, country, or place, or otherwise.

Money parcels not to be forwarded to promoters of illegal lotteries.

18. The allegations in any information laid in relation to any alleged offence against the provisions of the next preceding section —

Allegations *prima facie* proof.

(a) That any packet, parcel, money, cheque, draft, order for the payment of money or valuable thing in such information specified has been forwarded or partly forwarded, or has been given or received for the purpose or intent that the same should be forwarded, as the case may be:

(b) That any person or persons, club, association, or company in such information named is the promoter, manager, or conductor (as the case may be) of any illegal lottery:

(c) That any lottery in such information named or described is an illegal lottery:

shall be received by the Court as proof of the truth of such allegations unless the contrary shall be proved.

19. In every information laid in respect of any offence relating to any illegal lottery alleged to have been or be intended or about to be drawn or conducted elsewhere than in South Australia the Court may in their discretion receive and act upon such secondary or other evidence as may be adduced for the purpose of proving the existence, drawing, conducting, or intention to draw or conduct such lottery, any rule of law heretofore to the contrary notwithstanding.

Secondary evidence may be received relating to lotteries.
New.

20. (1) In

The Gaming Further Suppression Act.—1907.

Evidence of illegal lottery.

Adapted from Vic. Act.

20. (1) In any proceedings against any person for establishing, commencing, or being a partner in any illegal lottery, or managing, conducting, or assisting to manage or conduct any illegal lottery, or selling or disposing or buying or accepting any ticket or thing purporting to be or usually known as a lottery ticket and relating to an illegal lottery, it shall, in default of or in addition to other evidence, be sufficient in support of the information to show that such ticket or thing was bought or accepted by the purchaser or acceptor under the belief by him that the possession and production of such ticket purporting to be a lottery ticket or other thing conveyed a right to the purchaser or any holder thereof to draw for, compete, or have an interest in an illegal lottery.

Chinese lottery ticket

(2) The sale of a ticket or thing commonly known as a Chinese lottery ticket, whether marked or otherwise, shall be *prima facie* evidence of the existence of a lottery and of an undertaking, agreement, or promise expressed or implied to pay a sum of money to the purchaser or holder of such ticket on the happening of a certain event or contingency.

(3) In any proceedings it shall not be necessary to prove that any ticket purporting to be or usually known as a Chinese lottery ticket relates to any particular lottery, or that any lottery has been or will be drawn.

Betting houses or rooms deemed to be common gaming-houses.

Vic. Act, sec. 15.

21. Any house, office, room, or place which is used for the playing therein of any unlawful game, or which is used principally for the purpose of enabling any person or persons to bet with others or with one another, or to pay or receive money or valuable consideration in respect of any bet on events which have not happened, whether made in or at such house, office, room, or place, or elsewhere, or which is occupied by any company or club having for its principal object or one of its principal objects the enabling of shareholders or members thereof to make wagers or bets or pay or receive money in respect of wagers or bets on events which have not happened, whether so made either amongst themselves or with other persons not necessarily being shareholders or members, shall be deemed to be a common gaming-house.

Information as to betting not to be printed or published.

Vic. Act, altered.

22. Every person who is registered as the proprietor, printer, or publisher of any newspaper, or any other person who prints, exhibits, publishes, sells, circulates or distributes, or gives away or posts up, causes to be printed, exhibited, published, sold, circulated, distributed, given away, or posted up any newspaper or printed or written document, list, or card (whether published, printed, or written in South Australia or elsewhere) which contains or purports to contain any advertisement or notification by or on behalf of any person, club, or association as to betting on any intended horse races or pony races or trotting races in any part of the Commonwealth of Australia, or as to the betting odds on any such race, shall be guilty of an offence.

23. Every

The Gaming Further Suppression Act.—1907.

23. Every person who prints, writes or exhibits, publishes, sells, circulates, distributes, gives away, or posts up or causes to be printed, written, exhibited, published, sold, circulated, distributed, given away or posted up any placard, handbill, card, writing sign, advertisement, or notification (whether published, printed, or written in South Australia or elsewhere), or who is registered as the proprietor, printer, or publisher of any newspaper whereby it is made to appear that such person or any other person will, if required, bet or give information or advice, directly or indirectly, as to the probable result of any intended horse race or pony race or trotting race in any part of the Commonwealth of Australia, or as to the betting odds on any such race, or whereby any information or advice is given or purported to be given relating to the probable result of any such race or as to the betting thereon, or as to any unlawful game, shall be guilty of an offence: Provided always that nothing herein contained shall prohibit the publication in a newspaper by the printer or publisher thereof of a forecast of the probable result of any race, being not for money or gain.

Advertising by
tipsters prohibited
Vic. Act, altered.

24. Every person who placards, posts up, or exhibits, or permits or suffers to be placarded, posted up, or exhibited, or who assists in placarding, posting up, or exhibiting in or on or about any land, building, or premises any information or notice or list directly or indirectly relating to betting or any unlawful game, shall be guilty of an offence.

Betting notices and
placards not to be
exhibited.
Vic. Act.

25. A house, office, room, or place where an unlawful game is carried on shall be deemed to be a common gaming-house, notwithstanding that the same is open only for the use of subscribers or of members or shareholders of any particular club or company, and is not open to all persons desirous of using the same.

Houses, &c., where
unlawful gaming
carried on to be com-
mon gaming-house.

26. Every owner or agent acting on behalf of the owner and every occupier of any house, office, room, or other place who allows or permits the same to be used as a common gaming-house shall be guilty of an offence unless, in the case of an owner or agent who is not an occupier, the Court is satisfied that such owner or agent was in ignorance of and had no reasonable grounds to suspect such use or had taken all reasonable steps to prevent the same.

Owners, agents, and
occupiers guilty of
offence in allowing
house to be used as
gaming-house.

27. Every owner or agent acting on behalf of the owner and every occupier of any house, office, room, or place who allows or permits or suffers the same to be used as a means of access to or exit or escape from any house, office, room, or place used as a gaming house, shall be guilty of an offence unless the Court is satisfied that such owner, agent, or occupier was in ignorance of and had no reasonable grounds to suspect such use or had taken all reasonable steps to prevent the same.

Owner, &c., liable for
permitting premises
to be used as access to
a gaming-house.
Vic. Act.

28. (1) If

- (a) Any owner of any house, office, room, or place has reasonable grounds to suspect that the same is used as a common gaming-house; or

(b) Any

Power to evict
occupier of house
used as gaming-
house, &c.

The Gaming Further Suppression Act.—1907.

- (b) Any owner of any house, office, room, or place has reasonable grounds to suspect that the same is used as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house,

he may serve on the tenant or occupier a notice to quit.

(2) The serving of such notice shall, subject to this Act, determine as from the seventh day after the date of such service any tenancy under which the occupier may hold as if the same had expired by effluxion of time. The owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

(3) Such notice shall be served personally on the occupier, but if he cannot be found service may be effected by posting a copy of the notice on some conspicuous part of the said house, office, room, or place.

(4) Upon proof, to the satisfaction of the Registrar General, that such notice has been served on such tenant or occupier in manner aforesaid, he shall, at the expiry of seven days from the date of such service, cause a memorial of such service and of the date thereof to be entered in respect of land under the provisions of "The Real Property Act, 1886," and the Register Book of Titles kept pursuant to such last-mentioned Act, and in respect of land not under the provisions of that Act in the General Registry Office of Deeds for the said State.

Cancellation of notice to quit.

29. (1) Any such notice to quit may at any time be cancelled as from the date of such notice and relief be granted by the Supreme Court subject to such terms as the Court thinks fit on application being made to the Court by the occupier and on proof that he has not at any time—

- (a) Used or allowed or permitted or suffered the house, office, room, or place to be used as a common gaming-house; or
- (b) Used or allowed or permitted or suffered the house, office, room, or place to be used as a means of access to or of exit or escape from any house, office, room, or place used as a common gaming-house.

(2) Notice of intention to make such application shall be served on the owner at least seventy-two hours before the hearing of the application, and on being so served shall operate until the determination of the application as a stay of any proceedings under the last preceding section to evict the occupier.

Persons loitering in street.

30. Any person standing in any street who shall refuse or neglect to move on when requested by a police constable so to do, or who shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him by any police constable not to so loiter, shall be guilty of an offence and liable to a penalty not exceeding Twenty Pounds or to imprisonment for a period not longer than two months.

31. Informations

The Gaming Further Suppression Act.—1907.

31. Informations for offences against this Act shall be heard and determined in a summary way by a Court, and all penalties enforced under the provisions of the Ordinance of the Governor and Legislative Council No. 6 of 1850, or of any other Act or Acts for the time being in force relating to the duties of Justices or to their summary jurisdiction.

Summary of procedure.

New.

32. On the affidavit of a Commissioner, inspector, or sub-inspector of police, showing reasonable grounds for suspecting that any house, office, room, or other place is used in contravention of this Act, any Judge of the Supreme Court may declare such house, office, room, or place to be a common gaming-house. Such declaration shall be in force until rescinded.

Declaration that house a common gaming-house.

N.S.W. Act, 13 of 1906.

33. Any such declaration may be rescinded by a Judge of the Supreme Court, subject to such terms as he thinks fit, on application being made to him—

Rescission of declaration.

(a) By the owner, tenant, or occupier of the house, office, room, or place the subject of the declaration, on proof that he has not at any time allowed the house, office, room, or place to be used in contravention of this Act; or

N.S.W. Act.

(b) By a Commissioner, inspector, or sub-inspector of police on proof that the house, office, room, or place is not used in contravention of this Act.

Where the application is made by the owner, tenant, or occupier as aforesaid, notice in writing of intention to make the same shall be served on a Commissioner, inspector, or sub-inspector of police two days at least before the hearing of such application.

34. Notice of any such declaration and of any rescission of the same shall be published in the *Government Gazette*.

Publication of notice of declaration and rescission.

In any proceedings under this Act the production of a copy of the *Government Gazette* containing such notice shall be evidence that the declaration or rescission therein notified was duly made.

N.S.W. Act.

35. (1) The Commissioner, or a superintendent, inspector, or sub-inspector of police, on such declaration being made with respect to any house, office, room, or place—

Notice given of declaration.

N.S.W. Act.

(a) Shall cause to be published on two days in a newspaper circulating in the neighborhood of the house, office, room, or place a notice of the making of such declaration;

(b) Shall cause such notice to be served on the owner and occupier of the house, office, room, or place. Such service shall be personal, except when it cannot be promptly effected, in which case the notice may be served on the owner, tenant, and occupier aforesaid by causing a copy thereof to be affixed at or near to the entrance to the house, office, room, or place.

(2) In

The Gaming Further Suppression Act.—1907.

(2) In any proceedings under this Act the production of a copy of a newspaper containing any such notice shall be evidence that such notice was duly published in such newspaper on the date appearing thereon.

Persons found in house declared a common gaming-house.

N.S.W. Act.

36. If after publication, in pursuance of paragraph (a) of the last preceding section, of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, any person is found—

(a) In, or on, or entering, or leaving such house, office, room, or place ; or

(b) In, or on, or entering, or leaving any land or building used as a means of access to, or of exit or escape from the same,

any member of the Police Force may, without warrant, arrest such person and take him before a Court.

Such person, unless he proves that he was in, or on, or entering, or leaving, as aforesaid, for a lawful purpose, shall be guilty of an offence under this Act, and shall, on conviction, be liable to a penalty not exceeding Fifty Pounds or to imprisonment for a term not exceeding three months.

Penalty on owner if house used in contravention of Act.

37. If after service on an owner, in pursuance of paragraph (b) of section 35, of notice of the making of such declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used in contravention of this Act, such owner shall, unless he proves that he has taken all reasonable steps to evict the occupier from the same, be liable to a penalty not less than Thirty and not exceeding One Hundred Pounds.

Penalty on occupier.
N.S.W. Act.

38. If after service on an occupier, in pursuance of paragraph (b) of section 35, of notice of the making of a declaration with respect to a house, office, room, or place, and during the time that such declaration is in force, such house, office, room, or place is used in contravention of this Act, the said occupier shall be liable to a penalty not less than Thirty and not exceeding Three Hundred Pounds, unless he proves that he has taken reasonable steps to prevent such use.

Entry by police.
N.S.W. Act.

39. While any such declaration is in force with respect to any house, office, room, or place any member of the Police Force may, without warrant—

(a) Enter the said house, office, room or place ;

(b) Enter any land or building which he has reasonable grounds to suspect is used as a means of access to or of exit or escape from the same ;

(c) Pass through, from, over, and along any other land or building for the purpose of entering in pursuance of paragraph (a) or paragraph (b) aforesaid ;

(d) For

The Gaming Further Suppression Act.—1907.

(d) For any of the purposes aforesaid, break open doors, windows, and partitions, and do such other acts as may be necessary ;

(e) Seize any instruments of gaming and any instruments of betting and documents relating to betting, and any money and securities for money in any such house, office, room, or place.

40. Any person who wilfully obstructs, or aids in obstructing, or solicits any other person to obstruct or aid in obstructing a member of the Police Force in the exercise of any power conferred on him by this Act shall be liable to a penalty not exceeding Twenty-five Pounds. Obstructing the police.

41. Where any member of the Police Force authorised under this Act to enter any house, office, room, or place is wilfully prevented from or is obstructed or delayed in entering the same or any part thereof ; or Evidence of house being a gaming-house.
N.S.W. Act.

Where any external or internal door of or means of access to any such house, office, room, or place so authorised to be entered is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part of any member of the Police Force authorised as aforesaid, for giving an alarm in case of such entry ; or

If such house, office, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming,

it shall be evidence, until the contrary is made to appear, that such house, office, room, or place is used as a common gaming-house, and that the persons found therein were playing an unlawful game therein.

42. There shall be an appeal from any conviction by a Court for any offence against this Act, and from any order or adjudication dismissing any information, and such appeal shall be to the Local Court of Full Jurisdiction of Adelaide. Appeal.

43. Unless otherwise specified in this Act, every person who shall commit any offence against the provisions of this Act, or any of them, shall be liable to a penalty of not exceeding Fifty Pounds or to imprisonment for not longer than three months. Penalty for offences.

44. The " Police Act Amendment Act, 1904," is hereby repealed. Repeal

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 944.

An Act to amend "The Trustee Act, 1893."

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as "The Trustee Act, 1907," and shall be incorporated with "The Trustee Act, 1893," and the two Acts may be cited together as "The Trustee Acts, 1893 and 1907."

Short title and application.

(2) This Act, except sections 2, 6, and 7, applies only to trusts created after the passing of this Act.

INVESTMENTS.

2. A trustee on the sale of trust property may leave unpaid purchase-money thereof invested upon the security of the property sold to the extent to which, were the trustee not the vendor thereof, such property would be a proper security for the investment of the trust funds.

Power to take mortgage for part purchase-money.

Various Powers and Liabilities.

3. (1) A trustee who, for the time being, is or is about to be absent from South Australia may, if not expressly prohibited by the instrument creating the trust, with the consent of his co-trustee (if any), by power of attorney, under seal, delegate, for a term not exceeding twelve calendar months from the date of such power of attorney, to any person or persons residing in South Australia, all or any of the powers, authorities, and discretions vested in such trustee.

Trustee's power of delegation.

Queensland 6, Edward VII., No. 34, sec. 4 altered.

(2) Every deed, act, matter, and thing executed, done, and performed by such attorney or attorneys shall be as valid and effectual as if executed, done, and performed by the trustee.

(3) A

The Trustee Act.—1907.

(3) A trustee appointing any attorney or attorneys as aforesaid shall be liable for the acts and defaults of every such attorney as if they were his own acts and defaults.

(4) Nothing in this section shall be deemed to limit or affect any power of appointing a new trustee in the place of a trustee absent from South Australia, or the power of the Supreme Court to make any order by reason of such absence.

Revocation of power of attorney not effectual as against person in ignorance. Queensland 6, Edward VII., No. 34, sec. 5 altered.

4. No revocation of any such power of attorney, including any revocation or avoidance by operation of law, shall be effectual as against any person dealing in good faith with such attorney in ignorance of such revocation.

Trustees bank account. Queensland 6, Edward VII., No. 34, sec. 6, altered.

5. (1) Trustees, unless prohibited by the instrument creating the trust, and, if expressly authorised by the power of attorney so to do, their attorneys, appointed under section 3 of this Act, may, by writing signed by them, authorise any bank to honor cheques, bills, promissory notes, and drafts drawn upon or made payable out of the banking account of the trust by any one or more of such trustees or attorneys, and to honor the indorsement of any one or more of such trustees or attorneys upon any cheque, bill, promissory note, or draft payable to the order of the trustees, and also to pay to any one or more of such trustees or attorneys, whether before or after maturity, all or any portion of any moneys deposited on fixed deposit.

(2) Every trustee who, in person or by attorney, gives or joins in giving any such authority shall be liable for the acts and defaults of every trustee or attorney acting thereunder as if they were his own acts and defaults.

(3) No revocation of any such authority, including any revocation or avoidance by operation of law, shall be effectual as against any banker acting or paying money in good faith under or in pursuance of such authority in ignorance of such revocation.

Trustee may sell land with consent of Court.

6. With the consent of the Court, and notwithstanding anything contained in Act No. 10 of 1847, or any reservation or proviso contained in the land grants of land granted for ecclesiastical purposes to be held in conformity with the said Act, the trustees in whom the legal estate of such land shall be vested shall have power to sell the land.

POWERS OF THE COURT.

Power for Court to authorise purchase of trust property by trustee.

7. Where there is a trust for sale or power of sale the Supreme Court may, on the application, *ex parte* or otherwise, of a trustee, or of a beneficiary interested in the trust property, or of the Public Trustee, or a next friend on behalf of such a beneficiary not *sui juris*, upon being satisfied that such sale will be advantageous to the beneficiaries, authorise a sale of trust property by a trustee to himself, unless such sale be expressly prohibited by the instrument creating the trust.

8. Every

The Trustee Act.—1907.

8. Every executor and trustee shall, if so required by and at the cost of any beneficiary requiring the same, file annually in the Supreme Court an account of his administration of the testator's estate; and the Public Trustee shall, on the request of a majority or of half of the beneficiaries and at their cost, audit the accounts so filed.

Accounts to be filed
by trustees when
required.

In the name and on behalf of His Majesty, I hereby assent to
this Bill.

GEORGE R. LE HUNTE, Governor.



ANNO SEPTIMO

EDWARDI VII REGIS.

A.D. 1907.

No. 945.

An Act to consolidate and amend the Law relating to
Factories, and for other purposes.

[*Assented to, December 21st, 1907.*]

BE it Enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows:

1. This Act may be cited as "The Factories Act, 1907."

Short title.

2. (1) This Act shall come into operation on a day to be fixed
by Proclamation.

Date of operation.

3. This Act is divided into Parts and Divisions, as follows:—

Division of Act.

PART I.—Operation, Interpretation, and Repeal—

DIVISION I.—Operation of Act:

DIVISION II.—Interpretation:

DIVISION III.—Repeal.

PART II.—Administration—

DIVISION I.—Appointment of Officers:

DIVISION II.—Registration of Factories:

DIVISION III.—Registration of Outside Workers.

DIVISION IV.—Records and Notices by Occupiers.

PART III.—Powers and Duties of Factory Inspectors.

PART

*The Factories Act.—1907.***PART IV.—Sanitation in Factories—**

DIVISION I.—Cleanliness and Overcrowding :

DIVISION II.—Safety, Conveniences, and Appliances :

DIVISION III.—Sleeping-places :

DIVISION IV.—Lime-washing :

DIVISION V.—Remedying Defects :

DIVISION VI.—Meals of Employés.

PART V.—Special Provisions for Certain Trades—

DIVISION I.—Bakehouses :

DIVISION II.—Dust-generating Factories :

DIVISION III.—Wet Spinning Rooms.

PART VI.—Regulation and Use of Machinery in Factories.

DIVISION I.—Fencing of Machinery :

DIVISION II.—Grindstones :

DIVISION III.—Restrictions as to Young Persons and Females :

DIVISION IV.—Accidents.

PART VII.—Restrictions regarding Employés in Factories—

DIVISION I.—Ages and Working Hours of Employés :

DIVISION II.—Working Hours in Factories where Chinese Employed :

DIVISION III.—Certification of Fitness for Employment of Persons Under Sixteen Years :

DIVISION IV.—Employment of Boys and Females as Type-setters.

PART VIII.—Wages Boards—

DIVISION I.—Appointment of Boards :

DIVISION II.—Records and Notices by Employers.

DIVISION III.—Mode of Appointment :

DIVISION IV.—General Provisions relating to Constitution of Boards :

DIVISION V.—Objects and Duties of Boards :

DIVISION VI.—Piece-work Rates may be Fixed by Employer :

DIVISION VII.—Aged, Slow, and Infirm Workers :

DIVISION VIII.—Duration, Publication, and Application of Determinations :

DIVISION

The Factories Act.—1907.

DIVISION IX.—Suspension of Determinations:

DIVISION X.—Powers and Duties of Inspectors.

DIVISION XI.—Minimum Wage and Prohibition of Premiums and Guarantees.

DIVISION XII.—General Provisions:

DIVISION XIII.—Court of Industrial Appeals.

PART IX.—Regulations.

PART X.—Legal Procedure—

DIVISION I.—Proceedings to try title of Member of Board and Validity of Determination:

DIVISION II.—Evidence:

DIVISION III.—Summary Procedure and Penalties.

PART I.

OPERATION, INTERPRETATION, AND REPEAL.

DIVISION I.—OPERATION OF ACT.

4. (1) This Act applies to the Metropolitan area.

(2) The application of this Act, or of any part thereof, may (subject to section 5) be extended by Proclamation to any portion of the State specified therein.

(3) No such Proclamation shall be issued until after the passing by both Houses of Parliament of a resolution affirming the desirability of such extension.

(4) The Governor may, upon a resolution passed by both Houses of Parliament affirming the desirability thereof, revoke, alter, or vary any Proclamation made under subsection (2).

(5) When a determination of a Board has, pursuant to section 105, subsection (2), been applied to any locality or area outside the metropolitan area, this Act, so far as its provisions may be necessary to give effect to such determination, shall apply to such locality or area.

5. The application of Parts I. to VII. inclusive shall not, as regards agricultural, horticultural, viticultural, or pastoral pursuits, or butter or cheese making, be extended to any employer or employé engaged therein, or to any factory connected therewith.

DIVISION II.—INTERPRETATION.

6. In this Act, unless inconsistent with the context—

“Act” includes Regulations made hereunder:

“Apprentice”

PART I.

DIVISION I.

Application of Act. Of Factories Act, 1904, sec. 3; Factories Act, 1900, sec. 4; Vic. Act, No. 1975, sec. 6.

Extension of application of Act.

Resolution of both Houses required.

Revocation of extension of Act.

Exemptions from application of Act. Vic. Act No. 1975, sec. 8.

DIVISION II.

Interpretation.

*The Factories Act.—1907.*PART I.
DIVISION II.

"Apprentice" means and includes—

- (a) A person under twenty-one years of age who is bound by indentures of apprenticeship, entered into prior to the passing of this Act, which bind the employer to instruct such person, for a period of not less than three years, in the particular process, trade, business, occupation, or calling carried on by such employer, or in any part thereof approved by the Chairman; and
- (b) A person under the age of twenty-one years who is bound by indentures of apprenticeship, entered into after the passing of this Act, which bind the employer to instruct such person in the particular process, trade, business, occupation, or calling carried on by such employer, or any part thereof approved by the Chairman, and which indentures—
 - I. Are in the form prescribed by the order made by the Board pursuant to section 93, subsection vi.; and
 - II. Are entered into for the term prescribed by such order; or where no such term is prescribed, then for a term of not less than three years:
- (c) A person bound by indentures of apprenticeship approved by the Chairman under section 97, subsection (1); and
- (d) A person bound pursuant to section 97, subsection (2), by indentures of apprenticeship which comply with the order made by the Board pursuant to section 93, subsection vi.:
- (e) Any person under the age of twenty-one years who has completed his apprenticeship, such apprenticeship having been for a term of not less than three years:

"Board" means the Wages Board appointed under this Act in respect of the particular process, trade, business, occupation, or calling, or group, or part concerned:

"Chairman" means the Chairman of the Board:

"Chief Inspector" means the Chief Inspector of Factories:

"Child" means a person under the age of thirteen years:

"Clothing or wearing apparel" includes boots and shoes:

"Factory" means and includes—

- (1) Any premises or place within which or the precincts thereof the occupier employs any one person at manual labor which is exercised by way of trade or for purposes of gain in or incidental to—

I. Any handicraft;

II. The

*The Factories Act.—1907.*PART I.
DIVISION II.

II. The making of any article or part of any article ; or

III. The altering, repairing, ornamenting, or finishing of any article ; or

IV. The adapting for sale of any article ;

and to or over which premises or place or the precincts thereof the employer of any person so working therein has the right of access or control.

(2) For the purposes of registration and the computation of registration fees, any number of adjacent buildings or places.

“Furniture” means furniture of which wood forms a part, and such as is usually made by cabinetmakers, chairmakers, couchmakers, upholsterers, woodcarvers, or woodturners :

“Gazette” means *The South Australian Government Gazette* :

“Handicraft” includes any work whatsoever done in any laundry or dye works, and whether or not done in preparing or manufacturing articles for trade or sale :

“Improver” means and includes—

(a) Any person who

I. Is not an apprentice ; and

II. Is not over the age of twenty-one years ; and

(b) Any person who, being over the age of twenty-one years, holds a licence from the Chairman to be paid as an improver :

“Inspector” means an inspector of factories appointed under this Act, and includes the Chief Inspector :

“Laundry” shall not include—

(a) Any prison, reformatory, industrial school, or home for erring women ; or

(b) Any institution conducted exclusively for charitable purposes ;

“Machinery” includes any driving strap, band, wire, rope, or cable of any kind :

“Metropolitan area” comprises the whole of the area contained in the present Electoral Districts of Adelaide, Torrens, and Port Adelaide :

“Mill-gearing” includes every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or appliance by which the motion of the first moving power is communicated to any machine in a factory :

“Minister” means the Minister of Industry or the Minister of the Crown for the time being performing the duties of Minister of Industry :
“Occupier”

*The Factories Act.—1907.*PART I.
DIVISION II.

“Occupier” means the person, company, corporate body, or association employing persons in a factory, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of any such factory :

“Parent” means parent, guardian, or person having the custody of or control over any young person or child :

“Proclamation” means a Proclamation by the Governor published in the *Gazette* :

“Prescribed” means prescribed by regulations made under this Act :

“Woman” means any person of the female sex over the age of sixteen years :

“Young person” means a boy or girl between the age of thirteen and sixteen years.

Penalties.

7. Where a penalty or term of imprisonment is mentioned in or at the foot of any section or subsection any contravention of the section or subsection, whether by act or omission, shall be an offence against this Act punishable upon conviction by a penalty or term of imprisonment, with or without hard labor, not exceeding that mentioned.

DIVISION III.

DIVISION III.—REPEAL.

Repeal.

8. (1) The Acts mentioned in the First Schedule are hereby repealed.

Savings.

(2) Such repeal shall not affect any right, interest, or liability already created, existing, or incurred, nor anything lawfully done or suffered under any of the said Acts.

(3) Any proceeding in respect of such right, interest, or liability may be carried on as if such repeal had not taken place.

(4) All officers appointed under the repealed Acts and in office at the time of such repeal shall be deemed appointed under this Act.

(5) All orders and notifications made under the repealed Acts and in force at the time of such repeal shall be deemed to have been made under this Act.

PART II.

PART II.

ADMINISTRATION.

DIVISION I.

DIVISION I.—APPOINTMENT OF OFFICERS.

Governor may appoint inspectors.
Factories Act, 1894,
sec. 5.

Districts.

See Vic. Act No.
1975, sec. 9.

Certifying medical practitioners.

Vic. Act No. 1975,
sec. 10.

9. The Governor may appoint a Chief Inspector and so many inspectors as may appear necessary.

10. The Minister may, for the purposes of this Act, divide the State into such and so many districts as he thinks fit, and allot or assign one or more of such districts to one or more inspectors.

11. (1) The Minister may—

(a) Appoint any persons, being legally qualified medical practitioners, to be certifying medical practitioners for the purposes of this Act ; and

(b) Allot

The Factories Act.—1907.

(b) Allot or assign one or more districts under this Act to one or more certifying medical practitioners.

PART II.

DIVISION I.

(2) In any part of the State to which no certifying medical practitioner has been allotted or assigned hereunder, every public vaccinator shall, without further or other authority than this section, be and act as certifying medical practitioner within the district for which he is public vaccinator.

Public vaccinators to act in certain cases.

DIVISION II.—REGISTRATION OF FACTORIES.

DIVISION II.

12. No person shall occupy or use a factory unless and until the same is duly registered.

Penalty, Five Pounds for every day during which such unregistered factory is occupied or used.

Factory not to be used until registered.
New Zealand Act, 59 of 1901, sec. 10.
Factories Act, 1900; secs. 52 and 53.

13. (1) Every person—

(a) Who is in occupation of a factory when this Act comes into force (whether such factory is registered under the Acts hereby repealed or not); or

(b) Who, after this Act has come into force, goes into occupation of a factory; or

(c) Who is in occupation of a building or place which becomes for the first time, or, after a period of disuse, again becomes a factory;

shall register such factory.

Application for registration.
Factories Act 1894, sect. 6.
Vic. Act No. 1975, sec. 11

(2) The registration of a factory shall be renewed every five years.

(3) Application for registration or for renewal of registration shall be in writing in the prescribed form, served upon or posted in a registered letter addressed to the Chief Inspector at his office.

(4) Such application shall contain—

(a) The full name of such person and a description of his factory;

(b) The place where it is situated;

(c) The nature of the work carried on or to be carried on therein;

(d) A description of the motive power (if any) therein;

(e) The trade name (if any) under which the business of the factory is carried on; and

(f) Such further particulars as may be prescribed.

(5) Applications for registration shall be served or posted within the times following:—

Contents of application.

(a) Under division (a) of subdivision (1) of this section, within three months after this Act has come into force:

(b) Under

When to be made.

*The Factories Act.—1907.***PART II.
DIVISION II.**

- (b) Under division (b), within twenty-one days of such going into occupation:
- (c) Under division (c) within twenty-one days of such building or place becoming or again becoming a factory.
- Registration fee.** (6) Every application for registration or renewal of registration shall be accompanied by the fee required by this Act.
- Approval of Chief Inspector to opening of factory.**
Vic. Act No. 1975, sec. 21.
- Certificate of suitability, &c.**
- 14. (1)** No building or place which at any time after this Act has come into force—
- (a) Is about to become for the first time; or
- (b) After a period of disuse is about to again become a factory,
- shall be registered until the Chief Inspector has in writing certified—
- (a) That such building or place is suitable for a factory; and
- (b) That the prescribed requirements have been complied with.
- Exemption.** (2) This section shall not apply to any premises or place which by any extension of this Act, under section 4 hereof, becomes for the first time a factory.
- Registration.**
Vic. Act No. 1975, sec. 13.
- 15. (1)** Registration or renewal of registration shall be effected by entering in a register to be kept by the Chief Inspector such particulars as may be prescribed.
- (2) Such register shall be either in the form set out in the Second Schedule or in a prescribed form.
- Annual fee.**
Vic. Act No. 1975, sec. 14.
- 16. (1)** The annual fee to be paid in respect of every factory—
- (a) Shall be that specified in the Third Schedule;
- (b) Shall, in the year when such factory is first registered, accompany the application for registration; and
- (c) Shall in each and every year thereafter be paid by the occupier of such factory on or before the thirty-first day January.
- Half fee where factory, &c., opened after 30th June.**
- (2) When any factory is opened during any year after the thirtieth day of June the fee to be paid on registration for that year shall be one-half of the rate specified in the said Schedule.
- In default of payment factory to be deemed unregistered.**
- (3) Any factory in respect of which such annual registration fee has not been paid shall be deemed to be not duly registered.
- Notice closing factory.**
Factories Act, 1900, sec. 5.
- 17.** The occupier of a factory who intends to close and cease to use it shall give the Chief Inspector seven days' previous notice in writing of such intention.

Penalty, Five Pounds.

DIVISION

The Factories Act.—1907.

DIVISION III.—REGISTRATION OF OUTSIDE WORKERS.

18. (1) Every person who outside a factory wholly or partly prepares or manufactures, either directly or indirectly, any article for the occupier of such factory for trade or sale shall, either personally or by written notice, register with the Chief Inspector—

(a) His full name and address ; and

(b) Any change in such address from time to time.

(2) Every person so registered shall answer all questions put to him by an inspector—

(a) As to the person for whom the articles are being prepared or manufactured ; and

(b) The price or rate to be paid to him therefor

Penalty, Ten Shillings.

DIVISION IV.—RECORDS AND NOTICES BY OCCUPIERS.

19. (1) Every occupier of a factory shall—

(a) Make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, and wages of the persons employed in such factory, and the age of every such person under twenty-one years of age :

(b) Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the Chief Inspector :

(c) Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employés, a notice containing—

i. The name and address of the inspector for the district :

ii. The holidays and the working hours of the employés :

iii. True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed :

iv. The name and address of the certifying medical practitioner for the district :

(d) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve—

i. The name of such occupier ; or,

ii. If such occupier is a company, the registered name of such company ; or,

iii. If such occupier is a firm, the firm name :

(e) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve, a detailed record of all fines levied by such occupier upon his employés :

PART II.

DIVISION III.

Outside workers to register names and addresses.

Factories Act, 1900, sec. 12.

Vic. Act No. 1975, sec. 23.

DIVISION IV.

Records and notices by occupiers.

Factories Act, 1900, sec. 10.

See Vic. Act No. 1976 of 1905, sec. 20.

Production to inspector.

Information to be posted in factory.

Name of inspector.

Holidays.

Abstracts of Act and regulations.

Name of occupier.

Record of fines.

PART II.

DIVISION IV.

The Factories Act.—1907.

Record of fines to be forwarded.

(f) Forward to the Chief Inspector a copy of such record of fines at such times and in such form as may be prescribed.

Penalty, One Pound for every day during which any of the provisions of this section are not complied with.

Record of outside work done for factories to be kept.

20. (1) Every occupier of a factory for whom, directly or indirectly, outside such factory any person wholly or partly prepares or manufactures any article for trade or sale shall also keep in the prescribed manner a record of—

Factories Act, 1900, sec. 11.
Vic. Act No. 1975, sec. 21.

(a) The description and quantity of such work ; and

(b) The name and address of the person by whom the same is done ; and

(c) The prices paid in each instance for such work.

Penalty, Two Pounds for every day during which, without reasonable excuse, such record is not kept.

Inspectors may examine same.

(2) Such record shall be kept for the information of the inspectors, who alone shall be entitled to and may at all reasonable hours inspect and examine the same.

Record to be supplied to Chief Inspector.

(3) Every such occupier shall, whenever demanded, forward such record or a true copy thereof to the Chief Inspector.

Penalty, Ten Shillings.

And may be published by authority of Minister.

(4) The Chief Inspector shall publish in the *Gazette* any particulars contained in any such record, including the name and address of such occupier, as the Minister may direct.

Limitation on publishing.

(5) No such particulars shall be so published except in regard to some breach of this Act for which such occupier has been convicted.

Meaning of "occupier" in this section.

(6) Every person who issues or gives out, or authorises or permits to be issued or given out, any article for the purpose of being wholly or partially prepared or manufactured outside a factory for trade or for sale shall be deemed to be the occupier of a factory for the purposes of this section.

Exemption.

(7) No person shall be convicted under subsection (1) who proves—

(a) That he acted in good faith and without any intention to evade the provisions of this section ; and

(b) That, on demand made by or on behalf of the inspector, he gave all information in his power with respect to the alleged offence.

Inspector divulging contents of record.
Vic. Act No. 1975, sec. 24.

21. (1) No inspector shall divulge the contents of any record of persons employed in or of the work done in or outside of a factory, except to the Minister or the officers of his department:

(2) No inspector or officer shall make use of his knowledge of the contents thereof, except for the purpose of the compilation of general statistical information as required by this Act, or for the purpose of enforcing the provisions of this Act.

Two years' imprisonment.

PART

The Factories Act.—1907.

PART III.

PART III.

POWERS AND DUTIES OF FACTORY INSPECTORS.

22. (1) Every inspector may—

Powers of inspector.

(a) Enter, inspect, and examine—

Factories Act, 1894,
sec. 8.

i. Any factory at any time when he has reasonable cause to believe that any person is employed therein; and

See Vic. Act No. 1975,
sec. 15.

ii. At all reasonable times any place which he has reasonable cause to believe to be a factory:

(b) Take with him a constable into a factory or place in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty:

(c) Inspect and examine machinery in any factory:

(d) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and of all health laws are complied with, as regards the factory and the employes therein:

(e) Report to the Board of Health for the district any breaches of the health laws:

(f) Question, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory, and require such person to answer the questions put, and to sign a declaration of the truth of his answers:

(g) Require the production of any book, notice, record, list, indentures of apprenticeship, or document which is by this Act required to be kept or exhibited, and inspect, examine, and copy the same:

(h) Exercise such powers and authorities as may be prescribed.

23. (1) An inspector entering, inspecting, and examining a factory may take with him an interpreter.Inspector may be
accompanied by
interpreter.
Vic. Act No. 1975,
sec. 16.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Effect of inquiry, &c.,
by interpreter.

Ibid.

24. The occupier of a factory shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers in relation to such factory.Occupiers to allow
entry and inspection.
Factories Act, 1894,
sec. 10.
Vic. Act No. 1975,
sec. 17.**25.** Every order, requisition, or determination made by an inspector shall be in writing, and served on the occupier.Orders, &c., to be in
writing.
Factories Act, 1894,
sec. 21.**26.** Every inspector—Certificates of
appointment of
inspectors.

(a) Shall be furnished with a certificate of his appointment; and

(b) On

PART III.

*The Factories Act.—1907.*Factories Act, 1894,
sec. 8.Vic. Act No. 1975
sec. 19.Obstruction a breach
of this Act.Factories Act, 1894,
sec. 11.Vic. Act No. 1975,
secs. 17 and 18.

- (b) On applying for admission to a factory, or any place which he has reason to believe to be a factory, shall, if required, produce such certificate to the occupier.

27. No person shall—

- (a) Obstruct or wilfully delay an inspector or interpreter in the execution of his duties or powers; or
- (b) Omit to comply with the requirements of section 24, or of any direction which the inspector is authorised to give pursuant to this Act; or
- (c) Omit to truly answer or reply to any question which any inspector is authorised to ask under section 22; or
- (d) Fail to produce any book, notice, record, list, or document which, pursuant to section 22, he is required by an inspector to produce; or
- (e) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Penalty for forgery,
etc., of certificate.

Penalty, Ten Pounds.

Factories Act, 1894
sec. 25.Vic. Act No. 1975,
sec. 19.**28. No person shall—**

- (a) Forge or counterfeit any certificate of appointment; or
- (b) Make use of any forged, counterfeited, or false certificate; or
- (c) Falsely pretend to be an inspector under this Act.

Six months' imprisonment.

*Report by Chief Inspector.*Chief Inspector to
report annuallyVic. Act No. 1975,
sec. 25.**29. (1) The Chief Inspector shall prepare an annual report for the Minister.**

(2) Such report shall be of a general and comprehensive character, for the purpose of informing Parliament of the course and conditions of trade.

(3) Such report shall not—

- (a) Refer by name to any particular occupier of a factory or employer engaged in any process, trade, business, occupation, or calling in respect whereof a Board is appointed; or
- (b) Be so framed as to readily admit of the identification of any such occupier or employer.

(4) Such report—

- (a) Shall show as nearly as possible the whole number of persons engaged in working in factories;
- (b) Shall classify them according to their sex, age, and average weekly earnings, whether in wages or by piecework, or both in wages and by piecework, in each branch;

(c) Shall

The Factories Act.—1907.

- (c) Shall show their hours of labor;
- (d) Shall show the percentage of work done in the factories and the percentage of work done outside thereof; and
- (e) Shall contain such other particulars as the Minister may require.

PART III.

PART IV.

PART IV.

SANITATION IN FACTORIES.

DIVISION I.—CLEANLINESS AND OVERCROWDING.

DIVISION I.

30. The occupier of a factory shall keep the same clean and free from effluvia arising from any drain, privy, urinal, or nuisance.

Sanitary condition of factory.
Factories Act, 1894, sec. 12.
Vic. Act No. 1975, sec. 26.

31. (1) A factory or any portion thereof—

Overcrowding.

(a) Shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein:

(b) Shall contain the prescribed amount of cubical space for each person employed; and

Ventilation.

(c) Shall be ventilated in the prescribed manner, and so as to render harmless, as far as practicable, all the gases, vapors, dust, and impurities generated therein, and injurious to health.

Ventilation.

(2) Every heating appliance in any factory, whether used for warming persons therein engaged, or for the manufacturing process, shall be provided with a flue of such size and construction as may be prescribed, unless the factory is of such open construction as to render such flue unnecessary.

Heating appliances.
Vic. Act No. 2008, sec. 5.

(3) A factory in respect whereof there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

DIVISION II.—SAFETY, CONVENIENCES, AND APPLIANCES.

DIVISION II.

32. (1) Written notice shall be given by the Chief Inspector to the occupier of a factory which, or any part of which, in the opinion of such inspector, is defective by reason of being—

Notice of defects in factory.
Vic. Act No. 1975, sec. 27

(a) Dilapidated; or

(b) Unsafe; or

(c) Unfit for use; or

(d) Injurious to health; or

(e) Insufficiently provided—

I. With privies or urinals; or

II. With proper appliances for the extinction of fires; or

III. With sufficient means of egress in case of fire; or

IV. With natural light, where reasonably practicable.

(2) Such

PART IV.

DIVISION II.

Contents of notice.

The Factories Act.—1907.

(2) Such notice shall specify—

- (a) The nature of the defect;
- (b) The repairs, alterations, or improvements required to be made; and
- (c) The time within which such repairs, alterations, or improvements are to be completed.

Power to cancel registration.

(3) Unless such repairs, alterations, or improvements are completed within the period in that behalf specified in such notice, the Chief Inspector may lay an information before a Justice of the Peace that the occupier has failed to comply with the provisions of this section.

(4) Upon such information the occupier shall be summoned to appear before a Special Magistrate, to show cause why the registration of such factory should not be cancelled.

(5) Unless the occupier satisfies him that such factory or such part thereof is not defective in any of the matters set forth in the notice, such magistrate shall make an order specifying the repairs, alterations, and improvements to be made, and a time for effecting the same.

(6) If the occupier fails to comply with such order the Minister may instruct the Chief Inspector to cancel the registration of such factory, and the same shall not be re-registered until such orders are complied with.

Doors, &c., to be kept clear of obstructions.

Vic. Act No. 2008, sec. 6.

33. (1) The occupier of a factory shall keep all doors, passages, and staircases thereof—

- (a) Clear and free from obstruction; and
- (b) In such manner as to be always available as a means of escape.

(2) No person shall in any way whatever obstruct or permit to be obstructed any such door, passage, or staircase.

Penalty, for the first offence Five Pounds, and for every subsequent offence Twenty Pounds.

Fire prevention appliances to be kept ready for use.

Vic. Act No. 2008, sec. 7.

34. (1) The occupier of a factory shall keep all prescribed appliances (including fire-buckets full of water) for the prevention or extinction of fire in a constant state of repair, and available for immediate use.

(2) A factory in which such appliances are not so kept shall be deemed to be not kept in conformity with this Act.

DIVISION III.

DIVISION III.—SLEEPING PLACES.

Provisions as to sleeping places at factories.

35. (1) No factory where any person is at any time employed shall be used as a sleeping place.

(2) No

The Factories Act.—1907.

(2) No room or place connected with or in the same enclosure as any such factory shall be used as a sleeping place, unless such sleeping place is effectually separated from the factory by a substantial wall or partition extending from the floor to the ceiling

(3) No person shall let or occupy, or continue to let, or knowingly suffer to be occupied, any factory, room, or place contrary to this section.

Penalty, for the first offence Two Pounds, and for every subsequent offence Five Pounds.

DIVISION IV.—LIME-WASHING.

36. (1) The Chief Inspector may, by notice under his hand, require the occupier of a factory to cause to be lime-washed, or washed with some wash liquid approved by the Chief Inspector—

(a) All the internal wall surfaces of such factory; and

(b) All the ceilings or the internal surface of the roof where not ceiled:

which have not been painted with oil paint or varnished once at least within the seven years prior to the service of such notice.

(2) In the case of surfaces or ceilings which have been so painted or varnished, the Chief Inspector may in like manner require such occupier to cause the same to be washed with hot water and soap once at least within every two years, to date from the period when last painted or so washed.

(3) A factory in respect whereof there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

(4) This section shall not apply to blacksmiths', agricultural implement makers', and wheelwrights' shops, foundries, saw-mills, bone-mills, tanneries, rope-walks, smelting works, chaff-cutting, corn-crushing, wool-washing, or boiler-making establishments.

37. (1) An occupier served with a notice under section 36 may appeal to the Minister.

(2) The Minister may—

(a) Cancel such notice and direct the Chief Inspector to serve a fresh notice; or

(b) Dismiss the appeal.

DIVISION V.—REMEDYING DEFECTS.

38. (1) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water supply, nuisance, or other matter in a factory is punishable or remediable under the health laws, but not under this Act, such inspector shall give notice in writing of such act, neglect, or default to the Board of Health for the district in which such factory is situate.

(2) Such

PART IV.

DIVISION III.

Vic. Act No. 1975,
sec. 28.

DIVISION IV.

Lime-washing of
interior of factories.
Vic. Act No. 1975,
sec. 30.

Appeal to Minister.

Vic., Act No. 1975,
sec. 30.

DIVISION V.

Notices by inspector
to Board of Health of
sanitary defects in
factory.

Vic. Act No. 1975,
sec. 29.

PART IV.
DIVISION V.

Board to act.

(2) Such Board shall thereupon make such inquiry and take such action as to such Board may seem proper.

Power of inspector.

(3) An inspector may, for the purposes of this Act or the health laws, take with him into a factory an officer of health, inspector of nuisances, or other officer of the Board.

(4) Any such officer of health, inspector of nuisances, or other officer of the Board may, at all reasonable times, enter and inspect any factory.

DIVISION VI.

Interval for meals.

Vic. Act No. 1975 of 1905, sec. 31.

Factories Act, 1894, s. 17.

DIVISION VI.—MEALS OF EMPLOYÉS.

39. (1) No employer shall, except when the operation of this section is suspended, employ continuously in any factory for more than five hours, without an interval of at least half an hour for a meal, any woman, young person, or child.

Penalty, Five Pounds.

(2) The Minister may suspend the operation of this section whenever, in his opinion, the exigencies of trade so require.

(3) A notification of such suspension shall be published in the *Gazette*.

Meals not to be taken in room where employés are working or in certain cases where employés have been working.

Vic. Act No. 1975 of 1905, sec. 32.

40. (1) No occupier of a factory shall permit or suffer any person employed therein to take any meal in any room in such factory—

(a) In which any manufacturing process or handicraft is then being carried on; or

(b) In which persons employed are then engaged in their employment.

(2) An inspector may exempt from the provisions of this section any factory which is of open construction, and in connection with which the occupier has provided a meal-room approved by the inspector.

(3) No occupier of a factory in which is carried on any manufacturing process, handicraft, or employment declared by the Governor to be noxious shall permit or suffer any person to take a meal in any room therein in which any person has during the day been employed.

(4) Every occupier mentioned in subsection (3) shall provide a fit and proper room where his employés may take their meals.

Penalty, Five Pounds.

(5) The Minister may, by written licence, exempt the occupier of a factory from providing a meal-room.

PART V.

DIVISION I.

Lime-washing, painting, and washing of the interior of bakehouses.

PART V.

SPECIAL PROVISIONS FOR CERTAIN TRADES.

DIVISION I.—BAKEHOUSES.

41. (1) The occupier of every bakehouse—

(a) In which bread or pastry is baked for sale or gain; and
(b) Which

The Factories Act.—1907.

(b) Which is situated within a city, town, or township, shall either paint with oil paint, or varnish, or wash with lime, or some other wash liquid approved by the Chief Inspector, all the internal wall surfaces, ceilings, and internal surface of the roof, where not ceiled, of such bakehouse.

(2) Where paint or varnish is used, there shall be three coats thereof, and the same shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every twelve months.

(3) Where limewash or other approved wash liquid is used the same shall be renewed once at least in every six months.

(4) A bakehouse in respect of which there is a contravention of this section shall be deemed to be not kept in conformity with this Act.

42. (1) No place on the same level with any such bakehouse and forming part of the same building shall be used as a sleeping place—

(a) Unless such sleeping place is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(b) Unless there is an external glazed window of at least nine superficial feet in area, of which at least four and a half superficial feet are made to open for ventilation.

(2) No person shall let or occupy, or continue to let, or knowingly suffer to be occupied, any place contrary to this section.

Penalty, for the first offence One Pound, and for every subsequent offence Five Pounds.

DIVISION II.—DUST-GENERATING FACTORIES.

43. (1) The Chief Inspector may order that a fan or other properly constructed mechanical means for preventing inhalation of dust by the workers be provided by the occupier, and continuously used in every factory, when—

(a) Any process is carried on by which dust is generated, and by the workers inhaled to an injurious extent; and

(b) In the opinion of the Chief Inspector such inhalation would be to a great extent thereby prevented.

(2) Such order shall specify—

(a) The mechanical means to be provided; and

(b) The time allowed for providing same.

(3) A factory in which such order is not complied with shall be deemed to be not kept in conformity with this Act.

PART V.

DIVISION I.

Vic. Act No. 1975,
sec. 33.

New Zealand Act
1901, sec. 42.

Provision as to
sleeping places
near bakehouses.

Vic. Act No. 1975,
sec. 34.

New Zealand Act,
1901, sec. 42.

DIVISION II.

Provision as to
ventilation by fan
in factories.

Vic. Act No. 1975,
sec. 35

DIVISION

The Factories Act.—1907.

PART V.

DIVISION III.

Protection of workers
in wet spinning.

Vic. Act No. 1975,
sec. 36.

DIVISION III.—WET SPINNING ROOMS.

44. (1) No occupier of a factory shall employ any female or any male under eighteen years of age in any part of such factory in which wet spinning is carried on, unless sufficient means be continuously used—

- (a) For protecting the workers from being wetted ; and
- (b) Where hot water is used, for preventing the escape of steam into the room occupied by the workers.

(2) A factory in which such means are not continuously used shall be deemed to be not kept in conformity with this Act.

PART VI.

PART VI.

REGULATION AND USE OF MACHINERY IN FACTORIES.

DIVISION I.

DIVISION I.—FENCING OF MACHINERY.

Inspector to be a
qualified mechanic.
Factories Act, 1900,
sec. 41.

45. Every inspector under this part of this Act shall be a qualified mechanic.

Traversing carriage
of self-acting
machine.

Factories Act, 1900,
sec. 39.

See N.S.W. Act,
1896, sec. 26.

Dangerous machinery
to be fenced.

Factories Act, 1900,
sec. 40.

See N.S.W. Act,
1896, sec. 28.

Vic. Act No. 1975,
sec. 58.

46. (1) No occupier of a factory shall permit the traversing carriage of any self-acting machine therein to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space through which any person is likely to pass.

(2) The occupier of a factory shall securely fence or safeguard—

- (a) All dangerous parts of the machinery therein, and in particular :
- (b) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam, gas, oil, electric, water, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel ; and
- (c) Every wheel-race, unless the same be securely fenced close to the edge of the wheel-race ; and
- (d) Every part of the mill gearing, unless the same be in such position or of such construction as to be equally safe to every person employed in the factory.

(3) Such occupier shall cause all fencing and safeguards to be constantly maintained in an efficient state while the parts required to be fenced or safeguarded are in motion or use for the purpose of any manufacturing process.

(4) A factory in which the above provisions are not observed shall be deemed to be not kept in conformity with this Act.

47. (1) An

The Factories Act.—1907.

47. (1) An inspector shall serve on the occupier of a factory a notice requiring him to fence or safeguard, and keep fenced or safeguarded—

(a) Any part of the machinery therein:

- i. To which the provisions of section 46 do not apply; and
- ii. Which is not securely fenced; and
- iii. Which is so dangerous as to be likely to cause bodily injury to any employé; and

(b) Any vat, pan, or structure; and

(c) Any stairway, staging, or place

over, on, or near to which any person is liable to be or pass, and which, in the opinion of the inspector, is dangerous.

(2) Such occupier may, within seven days after the receipt of the notice, serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, to be conducted in manner prescribed.

(3) If the arbitrators or their umpire decide that it is unnecessary or impossible to comply with the notice—

(a) They shall cancel the notice; and

(b) The occupier need not comply therewith; and

(c) The Minister shall pay the expenses of the arbitration.

(4) If the occupier—

(a) Does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration; or

(b) Does not appoint an arbitrator within the time prescribed;

or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to comply with the notice, such occupier shall comply therewith, or with the same as modified by the award.

(5) The expenses of the arbitration in the case mentioned in subsection (4) shall be paid by the occupier, and shall be recoverable from him by the inspector in any Court of competent jurisdiction.

(6) If the award modifies the notice, the expenses of the arbitration shall be in the discretion of the arbitrators or umpire.

(7) A factory in which the above provisions are not observed shall be deemed to be not kept in conformity with this Act.

DIVISION II.—GRINDSTONES.

48. (1) An inspector shall serve on the occupier of a factory a notice requiring him to replace or to properly fix any grindstone worked by mechanical power, which is so faulty or so fixed as to be dangerous.

PART VI.**DIVISION I.**

Fencing of other dangerous machinery and structures upon notice given by inspector.

Vic. Act No. 1976, secs. 59 and 60.

DIVISION II.

Fixing of grindstones securely and replacing faulty grindstone.

(2) The

PART VI.
DIVISION II.

Vic. Act 1975, sec. 61.

(2) The provisions of section 47 shall, with the necessary modifications, apply hereto.

DIVISION III.

Management of
elevators.

Factories Act, 1900,
sec. 46.

See N.S.W. Act,
1896, sec. 32.

Restriction on
employment under
certain age.

Factories Act, 1900,
sec. 46.

Vic. Act No. 1975,
sec. 62.

See N.S.W. Act,
1896, sec. 32.

DIVISION III.—RESTRICTIONS AS TO YOUNG PERSONS AND FEMALES.

49. No occupier of a factory shall permit or suffer any male under sixteen years of age or any female to have the care, custody, management, or working of an elevator or lift in a factory.

50. (1) No occupier of a factory shall permit or suffer any male under eighteen years of age or any female—

(a) To clean any mill gearing therein while the same is in motion for the purpose of propelling any part of the manufacturing machinery; or

(b) To work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of mechanical power.

Penalty, Twenty Pounds.

Prohibition of young
persons working at
dangerous machinery.

Factories Act, 1900,
sec. 44.

Vic. Act No. 1975,
sec. 63.

51. (1) The Governor may, by order published in the *Gazette*, prohibit the employment in any factory of any person under the age of sixteen years at or in connection with any particular machinery or class of machinery specified in such order as dangerous.

(2) No occupier of a factory shall employ therein any person contrary to such order.

Penalty, Twenty Pounds.

DIVISION IV.

Notice of accidents in
factories.

Factories Act, 1900,
sec. 48.

N.S.W. Act, 1896,
sec. 33.

Vic. Act No. 1975,
sec. 64.

Contents of notice.

DIVISION IV.—ACCIDENTS.

52. (1) The occupier of a factory shall send written notice to the nearest inspector when an accident occurs therein which—

(a) Causes loss of life to an employé; or

(b) Incapacitates an employé for work for more than twenty-four hours.

(2) Such notice shall—

(a) In case of death be sent forthwith thereafter; and

(b) In case of such incapacity be sent immediately after the expiration of such twenty-four hours:

(c) State the cause of death, or the nature and extent of the injury, as the case may be, and the residence of the person killed or injured, or the place to which he has been removed.

Penalty, Five Pounds.

Inspector to inquire
and report.

Factories Act, 1900,
sec. 49.

53. The inspector—

(a) Shall, immediately on receiving notice, proceed to the factory and inquire into the cause of such accident;

(b) May question the occupier and all persons employed in such factory.

54. (1) Every

*The Factories Act.—1907.*PART VI.
DIVISION IV.

54. (1) Every occupier of a factory shall, at each floor thereof, protect the opening of every hoistway, elevator, lift, well hole, or stairway with good and sufficient trapdoors or self-closing hatches and safety catches, or such safeguards as an inspector may approve.

Hoists and lifts to be protected.

Factories Act, 1900, sec. 45.

See N.S.W. Act, 1896, sec. 31.

(2) No occupier of a factory shall use or permit to be used therein an elevator or lift which an inspector—

Unsafe or dangerous elevator or lift.

Factories Act, 1900, sec. 45.

See N.S.W. Act, 1896, sec. 31.

(a) Considers dangerous; and

(b) Has given written notice to such occupier not to use.

Penalty, Twenty Pounds.

55. (1) No occupier of a factory shall use or permit to be used therein any machine—

Dangerous machinery

Factories Act, 1900, sec. 44.

See N.S.W. Act, No 37, 1896, sec. 30.

(a) Which in the opinion of the Minister cannot be used without danger to life or limb; and

(b) The use whereof he has by written notice prohibited.

Penalty, Fifty Pounds.

(2) The Minister shall, in writing, withdraw such prohibition when such machine has been repaired or altered to his satisfaction.

56. The Minister may confirm, modify, or annul any decision or notice given by an inspector under this part of this Act.

Minister may modify or annul terms.

Factories Act, 1900, sec. 50.

PART VII.

PART VII.

RESTRICTIONS REGARDING EMPLOYES IN FACTORIES.

DIVISION I.—AGES AND WORKING HOURS OF EMPLOYES.

DIVISION I.

57. No occupier of a factory shall employ therein a child who has not—

No child to be employed.

Factories Act, 1894, sec. 14.

Vic. Act 1975, sec. 37.

See N.Z. Act, 1901, sec. 25.

(a) Passed the compulsory educational standard; and

(b) Obtained the permission of the Chief Inspector to be so employed.

Penalty, Ten Pounds.

58. (1) All females, of whatever age, and all males under eighteen years of age who work in a factory, whether for wages or not—

Definition of employment and working for hire.

Vic. Act No. 1975, sec. 38.

(a) In a manufacturing process or handicraft; or

(b) In cleaning any part of a factory used for any manufacturing process or handicraft; or

(c) In cleaning or oiling any part of the machinery; or

(d) In any other kind of work whatsoever incidental to or connected with any manufacturing process or handicraft, or connected with the article made or otherwise the subject of any manufacturing process or handicraft, shall

*The Factories Act.—1907.*PART VII.
DIVISION I.

shall, save as otherwise herein provided, be deemed to be employed by the occupier.

(2) For the purposes of this Act an apprentice shall be deemed to work for hire.

Restriction of
employment in mirror
and white lead
making.

Vic. Act No. 1975,
sec. 39.

59. No occupier of a factory shall employ a person under eighteen years of age in any part of such factory in which there is carried on—

(a) The process of silvering of mirrors by the mercurial process;
or

(b) The process of making white lead.

Penalty, Ten Pounds.

Restriction of
employment in
glassworks.

Vic. Act No. 1975,
sec. 39.

60. No occupier of a factory shall employ a male under fourteen years of age or a female under eighteen years of age in any part of such factory in which the process of melting or annealing glass is carried on.

Penalty, Ten Pounds.

Restriction of
employment in brick
and salt making.

Vic. Act No. 1975,
sec. 39.

61. No occupier of a factory shall employ therein a girl under sixteen years of age if there is carried on therein—

(a) The making or finishing of bricks or tiles not being ornamental tiles ; or

(b) The making or finishing of salt.

Penalty, Ten Pounds.

Restriction of
employment in metal-
grinding and lucifer
match-dipping.

Vic. Act No. 1975,
sec. 39.

62. No occupier of a factory shall employ a person under sixteen years of age in any part of such factory in which is carried on—

(a) Any dry grinding in the metal trade ; or

(b) The dipping of lucifer matches

Penalty, Ten Pounds.

Restriction of
employment in
metal trades.

Vic. Act No. 1975,
sec. 39.

63. No occupier of a factory shall employ in fustian cutting or in any grinding in the metal trades other than dry-grinding a person under the age of fourteen years

Penalty, Ten Pounds.

Notices to be posted
in factory.

Vic. Act No. 1975,
sec. 39.

64. The occupier of a factory shall affix and keep affixed, in legible characters, in some conspicuous place therein, and so as to be easily read by the employés, a copy of such of the sections 59, 60, 61, 62, and 63 as are applicable to such factory, such notices to be supplied by the Minister.

Penalty, Ten Pounds.

65. (1) No

The Factories Act.—1907.

PART VII.

DIVISION I.

65. (1) No occupier of a factory, shall, except as in subsection (2) provided, employ or authorise or permit to be employed therein any child, young person, or woman—

Working hours for women, children, and young persons.

(a) For more than forty-eight hours in any one week ; or

Factories Act, 1906, sec. 56.

(b) For more than ten hours in any one day ; or

Vic. Act No. 1976, sec. 40.

(c) Later than nine o'clock in the evening.

(2) In order to meet an unforeseen press of work, the hours of employment mentioned in subsection (1) may be exceeded, as regards women and boys over fourteen years of age, but subject to the following conditions:—

Provision for unforeseen press of work.

Conditions.

(a) The hours of employment shall not exceed fifty-five hours in one week :

(b) The aggregate number of hours of employment above forty-eight hours per week shall not exceed one hundred hours in any one year :

(c) Such occupier shall—

i. Within twenty-four hours after the commencement of such extra working, give to the Chief Inspector the prescribed written notice of having availed himself of the provisions of this subsection ; and

ii. Give to the Chief Inspector with such notice a full statement, signed by such occupier, of the facts on which he relies as showing that such working was in fact for the purpose of meeting an unforeseen press of work ;

iii. Pay overtime for each day on which he avails himself of the provisions of this section to each wage worker at the rate of time and a quarter, and to each piece worker at the rate of rate and a quarter :

iv. Pay not less than Six Pence tea money to every such person employed after six o'clock in the evening :

Penalty, for the first offence Five Pounds, and for any subsequent offence Twenty Pounds.

66. (1) The Minister shall give notice in writing to such occupier if he is not satisfied that such working was in fact for the purpose of meeting an unforeseen press of work.

Dissatisfaction of Minister.

Factories Act, 1906, sec. 56, ss. (j).

(2) Unless such occupier, within one month, satisfies the Minister that such working was in fact for such purpose, the Minister shall direct the Chief Inspector to record that such working was not in fact for such purpose.

Vic. Act No. 1976, sec. 40.

67. No

PART VII.
DIVISION I.

The Factories Act.—1907.

Occupier to forfeit right to work overtime in certain cases.

Factories Act, 1906, sec. 56.

Vic. Act No. 1975, sec. 40.

Suspension of sec. 65.

Factories Act, 1906, sec. 56.

Vic. Act No. 1975, sec. 46.

Conditions of suspension.

Limit of suspension.

Revocation of suspension.

Calculation of working time.

Factories Act, 1906, sec. 56.

Vic. Act No. 2008, sec. 8.

Hours of work, how reckoned.

Vic. Act No. 1975, sec. 41.

Employés not to be boarders.

Factories Act, 1906, sec. 57.

Vic. Act No. 2008, sec. 33.

67. No occupier shall be entitled to avail himself of the provisions of section 65 if the Minister directs such record to be made in regard to such occupier three times within any period of twelve months.

68. (1) The Minister may, upon payment of the prescribed fee, by notice under his hand published in the *Gazette*, suspend the operation of section 65—

(a) In any factory, and

(b) In all factories of a particular description :

(2) Every suspension under subsection (1) shall be made subject to such conditions as may be prescribed.

(3) No such suspension shall have any force or effect for more than two months.

(4) The Minister may, upon breach of any of such conditions, revoke such suspension by a notice posted to the occupier affected thereby and published in the *Gazette*.

69. On any day all persons under sixteen years of age, and all women employed in any capacity in a factory, shall (meal times excepted) be deemed to be employed therein from the time when they commence work until the time they leave the factory.

70. All the time in any day or week during which any child, young person, or woman is employed at work of any description for an occupier shall count in calculating the hours of employment under section 65.

71. (1) No occupier shall, nor shall the wife or child of such occupier—

(a) Directly or indirectly, for any consideration, keep or receive as boarders or lodgers any adult in his employ whose wages are fixed by a Board ; or

(b) Have any share or interest in the keeping of a lodging-house in which any such adult boards or lodges.

(2) The provision of subsection (1) shall not apply to chemists' shops, coffee-houses, confectioners, eating-houses, fish and oyster shops, fruit and vegetable shops, restaurants, tobacconists' shops, book-sellers and news agents' shops, and cooked meat other than tinned meat shops.

(3) The Chief Inspector may, subject to such conditions as he may impose, allow any such occupier, or his wife or child, to accept money for board or lodging from an employé.

(4) Except as in this section provided, no such employé shall pay to any such occupier, or his wife or child, any sum of money whatever for board or lodging, or give credit therefor.

Penalty, Ten Pounds.

DIVISION

The Factories Act.—1907.

PART VII.

DIVISION II.

DIVISION II.—WORKING HOURS IN FACTORIES WHERE CHINESE EMPLOYED.

72. (1) In a factory where any Chinese person is employed no person shall work for himself or for hire or reward, either directly or indirectly, or shall employ or authorise or permit any person to work—

Limitation of working hours in factories where Chinese are employed.

Vic. Act No. 1975
sec. 42.

- i. On any day before half-past seven o'clock in the morning, or after five o'clock in the evening; or
- ii. On a Saturday, after two o'clock in the afternoon; or
- iii. On a Sunday.

Penalty, for the first offence Ten Pounds, and for any subsequent offence Twenty-five Pounds.

(2) The Chief Inspector shall forthwith cancel the registration of a factory, the occupier of which is convicted under this section of a third offence; and such factory shall not be re-registered without the sanction of the Minister.

Cancellation of registration.

(3) In a prosecution for an offence against this section upon the Court being satisfied—

Proof of contravention.

- (a) That at any time during which work is prohibited by this section in a factory sounds have been heard such as would ordinarily be heard if made by persons engaged in such factory in the usual work therein carried on; and
- (b) That during such time any member of the police force or inspector was refused or could not gain immediate admission to such factory,

the onus of proof that the offence charged has not in fact been committed shall be on the defendant.

73. The Minister may—

Power to suspend operation of section 72.

(a) In order to meet an unforeseen press of work, and

(b) Subject to the conditions and restrictions imposed in section 65,

Vic. Act No. 2008,
sec. 10.

suspend the operation of section 72 in respect of any factory for any period not exceeding two months.

74. In a prosecution under section 72 the occupier of a factory shall be deemed to have contravened the provisions thereof if any person is proved to have been working therein at a time when work is prohibited by the said section.

Effect of work in factory during prohibited hours.

Vic. Act No. 2008,
sec. 9.

DIVISION III.—CERTIFICATION OF FITNESS FOR EMPLOYMENT OF PERSONS UNDER SIXTEEN YEARS.

DIVISION III.

75. (1) Every employé under the age of sixteen years shall obtain, and when required by an inspector produce to him a certificate,

Certificate of fitness for employment of persons under sixteen years of age.

*The Factories Act.—1907.*PART VII.
DIVISION III.

See Factories Act,
1894, sec. 15.
Vic. Act No. 1975,
sec. 43.

cate, in the prescribed form, of his fitness for employment in any factory—

- (a) In such cases as may be prescribed ; and
- (b) In such cases as the Chief Inspector, owing to special circumstances, may by written notice require.

(2) Such certificate may be granted by a certifying medical practitioner for the district, and shall be to the effect that he—

- (a) Is satisfied by the production of a certificate of birth or other sufficient evidence that the person named in the certificate of fitness is of the age therein specified ; and
- (b) Has personally examined such person and found him not to be incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(3) Every employé under the age of sixteen years shall, where a certificate of fitness is not required, obtain and produce, when demanded by an inspector, a certificate of birth, as provided in section 76. Penalty, Five Pounds.

Supplemental
provisions as
certificates of fitness
for employment.

Factories Act, 1894,
sec. 16.
Vic. Act No. 1975,
sec. 44

76. (1) All factories or any of them may be specified in the certificate of fitness for employment if the certifying medical practitioner is of opinion that he can truly give the certificate for employment therein.

(2) The certificate of birth referred to in section 75 shall be—

- (a) A certified copy of the entry in a register of births kept pursuant to law of the birth of the person ; or
- (b) A statutory declaration as to the age of the person.

(3) An inspector shall annul a certificate granted by a certifying medical practitioner on evidence other than a certificate of birth, if he has reasonable cause to believe that the real age of the person named in it is less than that mentioned in the certificate.

(4) Such annulment shall be in writing served upon such occupier.

DIVISION IV.

DIVISION IV.—EMPLOYMENT OF BOYS AND FEMALES AS TYPE-SETTERS.

Restriction in
employment of
boys and females as
type-setters.

Vic. Act No. 1975,
sec. 46.

77. (1) No person shall employ a boy under sixteen years of age or a female as type-setter in a printing office—

- (a) For longer than eight hours in any one day ; or
- (b) Between the hours of six o'clock in the evening and six o'clock in the morning.

Penalty, Ten Pounds.

(2) The Chief Inspector may, as regards a boy under sixteen years of age, in a case of emergency, grant a certificate of exemption from the provisions of subsection (1), but only on condition that no such boy shall be employed for twelve hours preceding and for twelve hours following any night work.

PART

The Factories Act.—1907.

PART VIII.

WAGES BOARDS.

DIVISION I.—APPOINTMENT OF BOARDS.

78. (1) The Governor shall appoint Wages Boards for the following processes, trades, businesses, occupations, or callings:—

PART VIII.

DIVISION I.

Appointment of
Boards for specified
trades, &c.
Factories Act, 1906,
sec. 6.

Vic. Act No. 1975,
sec. 75.

Factories Act, 1906,
sec. 33.

Ibid.

Ibid.

Ibid.

Factories Act, 1906
sec. 6.

Ibid.

Ibid.

House of Assembly
resolution, 3/9/07.

(a) The preparation and manufacture of clothing and wearing apparel:

(b) The preparation and manufacture of furniture:

(c) The preparation and manufacture of overmantels and of wood mantelpieces (other than wood mantelpieces to be painted, such as are usually made in saw mills):

(d) The preparation and manufacture of mattresses and bedding:

(e) The making and baking of bread and small goods:

(f) Of a pastrycook:

(g) Of a butcher and seller of meat, and maker and seller of small goods:

(h) Of brickmaking:

(i) Of drivers of trollies, wagons, drays, and carriers' vehicles:

(j) Agricultural machinery and implement makers:

(k) Printers, bookbinders, paper rulers and cutters:

(l) Brushmakers:

(m) Carpenters and joiners:

(n) Coopers:

(o) Hairdressers:

(p) Laundries:

(q) Painters and decorators:

(r) Galvanized-iron workers engaged in the construction of buildings, plumbers, and gasfitters:

(s) Saddlers and harnessmakers, including collarmakers, bridle-cutters, and machinists employed in the trade:

(t) Sawmills, timber yards, and wood box makers:

(u) Tanners, curriers, and tanyards:

(v) For any other process, trade, business, occupation, or calling in respect whereof both Houses of Parliament pass a resolution approving such appointment.

(2) In carrying out the provisions of subsection (1) the Governor may—

(a) Appoint a separate Board for each process, trade, business, occupation, or calling; or

(b) Appoint a separate Board in respect of the preparation and manufacture of particular articles of clothing and wearing apparel and of furniture; or

(c) With

*The Factories Act.—1907.***PART VIII.
DIVISION I.**

Continuation of
present Boards and
determinations.
New.

- (c) With the authority of a resolution of both Houses of Parliament, appoint a separate Board for any specified part or parts of any one or more of such processes, trades, businesses, occupations, or callings: Provided that nothing in this subsection shall be deemed to require any such resolution in the case of the Boards referred to in subsection (b):
- (d) Group together any one or more of such processes, trades, businesses, occupations, or callings, or part or parts thereof, and appoint one Board for each group.

79. (1) The Boards heretofore appointed by the Governor, and specified in the Fourth Schedule, shall, for all purposes, be deemed to have been duly appointed under this Act, and the members at the time of the passing of this Act of each Board, other than the Chairman thereof, shall hold office, and the Board shall continue for three years from the date set opposite the title of such Board in the said Schedule.

(2) The present Chairman of such Boards shall, upon the coming into operation of this Act, retire from office and new Chairmen shall be appointed in manner prescribed by section 87.

(3) A casual vacancy occurring in any such Board shall be filled in manner provided in section 91.

(4) Any determinations made by any such Board shall, for all purposes:

- (a) Be deemed to have been duly made by a Board duly appointed under this Act, and take effect accordingly; and
- (b) Remain in force until altered by such Board under section 107, or a subsequent Board, or in accordance with an order of the Court of Industrial Appeals.

Short title of Boards.
Factories Act, 1906,
sec. 39.
Vic. Act No. 1975,
sec. 109.

80. (1) The Boards specified in the Fourth Schedule may be described for all purposes by the short titles therein set out.

(2) The Governor may, by order published in the *Gazette*, direct that any Board hereafter appointed may be described by a specified short title.

DIVISION II.

Records and notices
by employers.

Factories Act, 1900,
sec. 10.

See Vic. Act, No. 1975
of 1905, sec. 20.

DIVISION II.—RECORDS AND NOTICES BY EMPLOYERS.

81. (1) Every employer engaged in any process, trade, business, occupation, or calling, or group or part, in respect whereof a Board is appointed, shall--

- (a) Make and keep a true record in such form and giving such particulars as may be prescribed of the names, work, and wages of the persons employed by him, and the age of every person under twenty-one years of age:
- (b) Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the Chief Inspector:

(c) Affix

Production to
inspector.

*The Factories Act.—1907.*PART VIII.
DIVISION II.

- (c) Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employés, a notice containing—
- i. The name and address of the inspector for the district: Information to be posted.
 - ii. The holidays and the working hours of the employés: Name of inspector.
 - iii. True copies or abstracts of such parts of this Act and regulations thereunder as may be prescribed: Holidays.
 - iv. A copy of the determination of the Board for the time being in force: Abstracts of Act and regulations.
- (d) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve— Determination of Board.
- i. The name of such employer; or, Name of employer.
 - ii. If such employer is a company, the registered name of such company; or,
 - iii. If such employer is a firm, the firm name:
- (e) Affix and keep affixed in legible characters, in such place as an inspector may direct or approve, a detailed record of all fines levied by such employer upon his employés: Record of fines.
- (f) Forward to the Chief Inspector a copy of such record of fines at such times and in such form as may be prescribed. Record of fines to be forwarded.

Penalty, One Pound for every day during which any of the provisions of this section are not complied with.

DIVISION III.—MODE OF APPOINTMENT.

DIVISION III.

- 82.** (1) One-half of the representative members of every Board shall be appointed as representatives of employers and one-half as representatives of employés. Constitution of Board Factories Act, 1906, sec 7.
Vic. Act No. 1976, sec. 76.
- (2) If a Board be appointed exclusively for men's and boys' clothing the representatives of employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing. Men's and Boys' Clothing Board. Factories Act, 1906, sec. 9.
Vic. Act No. 1976, sec. 79.
- (3) The representatives of the employers shall be, or shall have been, *boná fide* and actual employers in the process, trade, business, occupation, or calling, or group, or part for which the Board is to be appointed, concerned, or managing experts. Representatives. Ibid, amended.
- (4) The representatives of the employés shall be or shall have been *boná fide* and actual employés in such process, trade, business, occupation, or calling, or group, or part.

83. A member shall, upon the expiration of his term of office, be eligible for re-appointment.

Member of Board to be eligible for re-election. Factories Act, 1906, sec. 7

84. (1) The Vic. Act No. 1976, sec. 76.

*The Factories Act.—1907.*PART VIII.
DIVISION III.Notice that Board is
to be appointed.

New.

84. (1) The Minister shall publish in the *Gazette* a notice which shall—

- i. Specify the process, trade, business, occupation, or calling, or group or part, in respect of which such Board is to be appointed; and
- ii. Fix a date on or before which every employer engaged in such process, trade, business, occupation, or calling, or group or part, shall forward to the Chief Inspector a return containing—

(a) The employer's full name, address, and occupation; and

(b) Particulars of the names, work, and wages of the persons employed by him therein.

(2) Every employer shall duly forward the return mentioned in sub-paragraph ii. of subsection (1).

Penalty, Ten Pounds.

(3) The Chief Inspector shall prepare a summary of such returns for the information of the Minister.

Provision for appointment after nomination of representative members of Board without previous election.

Factories Act, 1906,
sec. 8.Vic. Act No. 1975,
sec. 77.

(4) The Minister may nominate persons for appointment on such Board as representatives of employers and representatives of employés.

(5) The Minister shall publish in the *Gazette* a notice setting out the names, addresses, and occupations of the persons nominated.

Objections to persons nominated and election.

Factories Act, 1906,
sec. 8.Vic. Act No. 1975,
sec. 77.**85.** (1) The Governor shall appoint the persons so nominated, unless objected to, pursuant to subsection (2).

(2) If in the opinion of the Minister, having regard to the records contained in the latest report of the Chief Inspector or the summary mentioned in subsection (3) of section 84—

(a) Not less than one-fifth of the employers have objected in writing to the persons nominated as the representatives of employers; or

(b) Not less than one-fifth of the adult employés have objected in writing to the persons nominated as the representatives of employés,

the representatives of the employers or employés so objected to shall be elected in manner prescribed.

(3) Objections to nominations may be made within twenty-one days from the date of the publication of such nominations.

(4) The Governor shall appoint the persons so elected.

(5) When the representatives of employers and employés have been appointed the Governor shall publish such appointment in the *Gazette*.

DIVISION

*The Factories Act.—1907.*DIVISION IV.—GENERAL PROVISIONS RELATING TO CONSTITUTION
OF BOARDS.PART VIII.
DIVISION IV.

86. Every Board hereafter appointed shall—

- (a) Consist of not less than four nor more than ten representative members and a Chairman; and
- (b) Be appointed for a period of three years from the date of appointment of the Chairman.

Number of members
and term of office.
Factories Act, 1906,
sec. 6.

87. (1) The majority of the representative members of every Board, before exercising any powers conferred upon them by this Act, shall nominate in writing some person (not being one of such members) to be Chairman of such Board, and such person shall be appointed by the Governor to such office.

Appointment of
Chairman.

(2) In the event of such nomination not being made within twenty-eight days from the appointment of such Board, the Governor may appoint any Stipendiary Magistrate as such Chairman until a Chairman shall be nominated by the said Board.

(3) In the event of any vacancy occurring in the office of Chairman of any Board, such vacancy shall be filled in manner aforesaid.

(4) The Chairman shall be deemed a member of the Board, and the Governor shall publish his appointment in the *Gazette*.

88. All powers of a Board may be exercised by a majority of the members thereof present at any meeting.

Exercise of powers.
Factories Act, 1906,
sec. 14.
Vic. Act No. 1975,
sec. 84

89. The Governor may, by order published in the *Gazette*, remove any member.

Governor may
remove member
of Board.
Factories Act, 1906,
sec. 6.
Vic. Act No. 1975,
sec. 7b.

90. A member may resign by writing under his hand, addressed and forwarded to the Minister.

Resignation of
member of Board.

91. (1) The Governor may appoint a person to fill a vacancy caused by death, resignation, or removal of a member, or under an order of Justices pursuant to section 147: Provided that if within fourteen days of such vacancy occurring, a majority of the representatives on the Board of the employers or employes, as the case may be, nominate a person to be appointed to fill such vacancy, the Governor shall appoint the person so nominated.

Governor may appoint
in certain cases.

Factories Act, 1906,
sec. 11.
Vic. Act No. 1975,
sec. 81.

(2) No person shall be so appointed unless qualified for nomination under section 82.

(3) The term of office of a member so appointed shall be limited to the residue of the term of office for which such Board is appointed.

(4) A person so appointed shall be deemed to have been elected by the employers or employes, as the case may be.

92. During

PART VIII.

DIVISION IV.

Effect of vacancy.

Factories Act, 1906,
sec. 15.Vic. Act No. 1975,
sec. 85

DIVISION V.

Board to determine
lowest price or rate
of payment.Factories Act, 1906,
secs. 6, 17.Vic. Act No. 1975,
sec. 87.Board shall also fix
maximum number
of hours, &c.Factories Act, 1906,
sec. 20.Vic. Act No. 1975,
sec. 90.Wages for time
worked in excess of
maximum, &c.Number of
improvers.Factories Act, 1906,
sec. 21.Vic. Act No. 1975,
sec. 91.Outside work in
clothing trade to be
at piece-work rates.Factories Act, 1906,
sec. 17.Vic. Act No. 1975,
sec. 87.Wages prices or rates
for machine hands if
requested.Rates for furniture to
be both piece-work
and wages rates if
practicable.Factories Act, 1906,
sec. 18.Vic. Act No. 1975,
sec. 88.Piece-work rate, when
fixed by Board, to be
based on wages rate.Factories Act, 1906,
sec. 19.Vic. Act No. 1975,
sec. 89.*The Factories Act.—1907.*

92. During a vacancy in a Board (other than in the office of Chairman) the continuing members may, unless a member objects, act as if no vacancy existed.

DIVISION V.—OBJECTS AND DUTIES OF BOARDS.

93. Every Board, so far as regards the particular process, trade, business, occupation, or calling, or group or part, for which it is appointed—

- i. May classify the employés :
- ii. Shall determine the lowest prices or rates of payment which may be paid :
 - (a) To each class ; or
 - (b) For any specified work :
- iii. Shall fix the maximum number of hours per week in respect of which such wages prices or rates shall be paid :
- iv. Shall determine wages prices or rates higher than those determined for such maximum number of hours, which shall be paid to male employés over sixteen years of age in respect of time above such maximum worked in any week :
- v. Shall fix the maximum number or proportionate number of improvers who may be employed by an employer, with power to fix a different proportion of male and female improvers.
- vi. Shall, by notice published in the *Gazette*, prescribe, as regards persons thereafter apprenticed, a form of indenture of apprenticeship, and may by such notice prescribe the term of such apprenticeship, such term being not less than three years.

94. Notwithstanding the provisions of section 93—

- (a) The Board shall, as regards work done outside a factory in respect of the manufacture or preparation of articles of clothing or wearing apparel, fix piece-work prices or rates, and not wages prices or rates :
- (b) The Board shall, if requested by an employer, fix wages prices or rates for his machine hands :
- (c) The Board shall, as regards work done in respect of the manufacture or preparation of furniture, fix, wherever practicable, both piece-work prices or rates and wages prices or rates :
- (d) Where the Board fixes both piece-work prices or rates and wages prices or rates for any work the piece-work prices or rates shall be based on the wages prices or rate ; but no determination shall be questioned or challenged for non-compliance with this subsection.

95. In

*The Factories Act.—1907.*PART VIII.
DIVISION V.

95. In making a determination as to prices or rates, every Board shall be bound by the following rules:—

Principles of determination by Boards.
Factories Act, 1906, sec. 13.
Vic. Act No. 1975, sec. 83, altered.

- i. The Board shall, upon such evidence as it may deem satisfactory, ascertain as a question of fact the average prices or rates of payment (whether piece-work prices or rates or wages prices or rates) paid by reputable employers to employes of average capacity:
- ii. The lowest prices or rates determined shall not exceed the average prices or rates so ascertained:
- iii. The Board shall take into consideration—
 - (a) The nature, kind, and class of the work;
 - (b) The mode and manner in which the work is to be done;
 - (c) The age and sex of the workers, and, in addition, as regards apprentices and improvers, their experience at the process, trade, business, occupation, or calling; and
 - (d) Any matter prescribed.

Factories Act, 1906, sec. 6, subsec. (3).
Vic. Act No. 1975, sec. 75.

96. (1) The Board shall report to the Court of Industrial Appeals whenever the average prices or rates ascertained under section 95, subsection i., are not sufficient, in its opinion, to afford a reasonable limit for its determination.

Board to report to Court when no reasonable limit.

(2) Thereupon such Court shall fix the lowest prices or rates to be paid, and may disregard the provisions of section 95, subsection i.

(3) The Board shall embody in its determination the prices or rates so fixed by the Court.

97. (1) A person at the time of the passing of this Act employed as an apprentice under an agreement which does not contain a covenant to teach may enter into indentures of apprenticeship which bind the employer to instruct such person in the particular process, trade, business, occupation, or calling carried on by such employer, or some specified part thereof approved by the Chairman, and upon such terms and for such period as the Chairman may in writing approve.

Special provisions for apprentices.

New.

(2) A person who is over the age of eighteen years and under the age of twenty-one years may enter into indentures of apprenticeship which bind the employer to instruct such person in the particular trade, process, business, occupation, or calling carried on by such employer, or some specified part thereof.

(3) After the expiration of one month from the publication of the notice under section 93, subsection vi., and subject to subsection (1) of this section, no employer shall take an apprentice except under indentures in the form and for the term fixed by such notice or by this Act; and indentures contravening the provisions of this subsection shall be void.

Penalty, Twenty Pounds.

98. (1) The

PART VIII.
DIVISION V.

Power of Chairman of Board to administer oaths.
Factories Act, 1906, sec. 16.

Vic. Act No. 1975, sec. 86.

Wage for less than maximum hours to be *pro rata*.

Factories Act, 1906, sec. 20.

Vic. Act No. 1975, sec. 90.

Experience of apprentice, &c., how calculated.

Factories Act, 1906, sec. 24.

Vic. Act No. 1975, sec. 94.

Brushmakers in charitable institutions at piece-work rates only.

DIVISION VI.

Piece-work rate may be fixed by employer in certain cases.

Factories Act, 1906, sec. 28.

Vic. Act No. 1975, sec. 98.

Piece-work rates to be based on earnings of average worker.

Statement to Chief Inspector.

When piece-work rate fixed, offering lower rate an offence.

Proof that piece-work price corresponds to wages rate.

DIVISION VII.

Aged, slow, or infirm workers.

Factories Act, 1906, sec. 29.

The Factories Act.—1907.

98. (1) The Chairman may require a person (including a member of the Board) giving evidence before the Board to give his evidence on oath.

(2) The Chairman may administer such oath.

99. Every employer shall pay to an employé who in any week works less than the maximum number of hours fixed under section 93, subsection III., a *pro rata* amount of the wages price or rate determined for such maximum number of hours.

Penalty, Five Pounds.

100. All the time during which an apprentice or improver has worked at the process, trade, business, occupation, or calling in which he is for the time being employed, shall be reckoned in calculating his experience, whenever by the determination of the Board his wages are to vary in accordance with his experience.

101. No person engaged in brushmaking in a charitable institution or an institution for the blind shall be bound by any determination of the Brushmakers' Board, except so far as such determination fixes a piece-work rate.

Penalty Five Pounds.

DIVISION VI.—PIECE-WORK RATES MAY BE FIXED BY EMPLOYER.

102. (1) A Board, instead of determining the lowest piece-work prices or rates—

(a) May fix the lowest wages prices or rates; and

(b) May determine that piece-work prices or rates based thereon may be fixed and paid by the employer.

(2) Every such employer shall base such piece-work prices or rates on the earnings of an average worker—

(a) Working at work similar to that for which the piece-work prices or rates are fixed; and

(b) Being paid at the wages rates fixed by such Board.

(3) Such employer shall, when required by the Chief Inspector, forward to him a statement of such piece-work prices or rates.

(4) No employer who has so fixed piece-work prices or rates shall, either directly or indirectly, or by any pretence or device, pay or offer, or attempt to pay, any employé, at lower prices or rates.

(5) The onus of proof that this section has been complied with shall lie on the defendant.

Penalty, for the first offence Two Pounds, and for every subsequent offence Ten Pounds.

DIVISION VII.—AGED, SLOW, AND INFIRM WORKERS.

103. (1) The Chief Inspector may grant to an aged, slow, or infirm worker a licence to work at a wage less than the wage fixed by the Board.

(2) The

The Factories Act.—1907.

(2) The Chief Inspector shall not grant such licence until satisfied that such worker is, by reason of age, slowness, or infirmity, unable to obtain employment at the wage fixed by the Board.

PART VIII.
DIVISION VII.

Vic. Act No. 1976,
sec. 99.

(3) Such licence—

(a) Shall specify the wage at which such worker is licensed to work; and

(b) May be renewed; and

(c) Shall be in force for any period specified therein not exceeding twelve months from date of issue or renewal.

(4) An appeal shall lie from a refusal by the Chief Inspector to grant such licence. Appeal.

(5) Such appeal shall be to the Board, which may—

(a) Uphold such refusal; or

(b) Fix the wage and direct such Inspector to issue a licence.

(6) No employer shall, without the consent of the Board, employ any number of licensed aged, slow, or infirm workers exceeding one-fifth of the whole number of persons employed by him in the particular process, trade, business, occupation, or calling at the wage fixed for adults or at piece-work rates.

(7) Notwithstanding subsection 6, every employer may employ one licensed slow worker.

104. No person shall, either directly or indirectly, or by any pretence or device, pay or offer to pay any such aged or infirm or slow worker at a wage lower than that specified in such licence. Penalty.

Penalty, for the first offence Two Pounds, and for every subsequent offence Ten Pounds.

DIVISION VIII.—DURATION, PUBLICATION, AND APPLICATION OF DETERMINATIONS.

DIVISION VIII.

105. (1) The determination of a Board shall—

(a) Be signed by the Chairman and forwarded by him to the Minister;

(b) Be forthwith published by the Minister in the *Gazette*;

(c) Come into force on a date to be fixed by the Board, and being not less than thirty days after the making thereof.

Determination to remain in force until altered.

Factories Act, 1906
sec. 30.

Vic. Act No. 1976,
sec. 100.

(2) The determination of a Board, including any determination referred to in section 79, shall—

(a) Apply to all employers and employes who are engaged in the particular process, trade, business, occupation, or calling, or group or part—

i. Within the metropolitan area; and

ii. Within any other locality or area specified by the Governor in an Order published in the *Gazette*; and

(b) Remain

*The Factories Act.—1907.***PART VIII.
DIVISION VIII.**

Child of employer
not affected.
Factories Act, 1906,
sec. 32.
Vic. Act No. 1975,
sec. 102.

DIVISION IX.

Power to suspend
determination of any
Board.

Factories Act, 1906,
sec. 35.
Vic. Act No. 1975,
sec. 105.

Publication of
amended determina-
tion.

Suspended
determination.
Removal of sus-
pension.

- (b) Remain in force until altered by such Board under section 107, or pursuant to an order of the Court of Industrial Appeals, or by a subsequent Board ;
- (c) When so altered, shall remain in force as altered.

106. No determination of a Board shall apply to a child of the employer.

DIVISION IX.—SUSPENSION OF DETERMINATION.

107. (1) Notwithstanding section 105, the Governor may, by Order published in the *Gazette*, suspend the operation of the whole or any part of the determination of a Board.

(2) Thereupon such Board—

- (a) Shall reconsider such determination, or part thereof, and take evidence thereon ; and
- (b) May either alter or adhere to the same.
- (3) If the Board makes an alteration, its determination as altered—
 - (a) Shall be forwarded by the Chairman to the Minister ;
 - (b) Shall be forthwith published by the Minister in the *Gazette* ; and
 - (c) Shall for all purposes be the determination of the Board.
- (4) The suspended determination shall thereupon become void.
- (5) If the Board adheres to its determination without alteration—
 - (a) The Chairman shall notify the Minister in writing :
 - (b) The Governor shall thereupon, by Order published in the *Gazette*, revoke the suspension :
 - (c) Such revocation shall take effect from a date, not later than fourteen days, to be fixed in such Order.

DIVISION X.

Powers of Inspector.
Factories Act, 1894,
sec. 8.
see Vic. Act No.
1975, sec. 15.

DIVISION X.—POWERS AND DUTIES OF INSPECTORS.

108. (1) Every inspector as regards any premises or place wherein is carried on any process, trade, business, occupation, or calling, or group or parts for which a Board is appointed, may—

- (a) Enter, inspect, and examine any such premises or place at any time when he has reasonable cause to believe that any person is employed therein :
- (b) Take with him a constable when he has reasonable cause to apprehend any serious obstruction in the execution of his duty :
- (c) Question, with respect to matters under this Act, every person whom he finds in or about such premises or place, or whom he has reasonable cause to believe to be or to have been within

*The Factories Act.—1907.*PART VIII.
DIVISION X

within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers:

- (d) Require the production of any book, notice, record, list, or document which is by this Act required to be kept or exhibited, and inspect, examine, and copy the same:
- (e) Require the production of, and inspect, examine, and copy all pay-sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employé whose wages are fixed by a Board:
- (f) Exercise such powers and authorities as may be prescribed.

109. (1) An inspector entering, inspecting, and examining any such premises or place may take with him an interpreter.

Inspector may be accompanied by interpreter.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

Vic. Act No. 1975, sec. 16.

Effect of inquiry, &c. by interpreter.

Ibid.

110. Every employer shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

Occupiers to allow entry and inspection. Factories Act, 1894, sec. 10.

Vic. Act No. 1975, sec. 17.

111. Every order, requisition, or determination made by an inspector shall be in writing, and served on the employer.

Orders, &c., to be in writing. Factories Act, 1894, sec. 21.

112. Every inspector—

- (a) Shall be furnished with a certificate of his appointment; and
- (b) On applying for admission to any such premises or place shall, if required, produce such certificate to the employer or person in charge.

Certificates of appointment of inspectors.

Factories Act, 1894, sec. 8.

Vic. Act No. 1975, s.-c. 19.

113. No person shall—

- (a) Obstruct or wilfully delay an inspector or interpreter in the execution of his duties or powers; or
- (b) Omit to comply with the requirements of section 110, or of any direction which the inspector is authorised to give pursuant to this Act; or
- (c) Omit to truly answer or reply to any question which any inspector is authorised to ask under section 108; or
- (d) Fail to produce any book, notice, record, list, or document which, pursuant to section 108, he is required by an inspector to produce; or
- (e) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Obstruction a breach of this Act.

Factories Act, 1894, sec. 11.

Vic. Act No. 1975, secs. 17 and 18.

*The Factories Act.—1907.*PART VIII.
DIVISION XI.DIVISION XI.—MINIMUM WAGE AND PROHIBITION OF PREMIUMS
AND GUARANTEES.

Minimum wage
in factory.
Vic. Act No. 1975,
sec. 48.

114. (1) No occupier of a factory shall pay any employé therein a weekly wage of less than Four Shillings.

Penalty, Ten Pounds.

No premium to
be demanded
for female
apprentices or
improvers.
Factories Act, 1900,
sec. 35.
Vic. Act No. 1975,
sec. 49.

115. (1) No person shall either directly or indirectly, or by any pretence or device—

(a) Require or permit any person to pay or give, or

(b) Receive from any person

any consideration, premium, or bonus for engaging or employing a female as an apprentice or improver in preparing or manufacturing articles of clothing or wearing apparel.

Penalty, Ten Pounds.

(2) The person who pays or gives such consideration, premium, or bonus may recover the same in a Court of competent jurisdiction from the person who receives the same.

Prohibition of Certain Guarantees.

Certain guarantees
illegal.
Vic. Act No. 2008,
sec. 11.

116. (1) Except with the consent in writing of the Minister, no person shall require or permit any person—

(a) To pay a sum of money; or

(b) To enter into or make a guarantee or promise requiring or undertaking that such person shall pay a sum of money, in the event of the behaviour or attendance or obedience of an apprentice, improver, or employé not being satisfactory to the employer.

Penalty, Ten Pounds.

(2) Any such guarantee or promise, or a guarantee or promise to the like effect, entered into or made after the commencement of this Act without such consent shall be void.

(3) Any sum which after the commencement of this Act is paid in contravention of this section shall, unless repaid upon demand, be recoverable with costs in a Court of competent jurisdiction.

DIVISION XII.

DIVISION XII.—GENERAL PROVISIONS.

Payment of employé
engaged in two or
more classes of work.
Factories Act, 1906,
sec. 37, ss. 1.
Vic. Act, 1975, sec. 107.

117. (1) Where an employé performs two or more classes of work to which a rate fixed by a Board is applicable, his employer shall pay such employé in respect of the time occupied in each class of work at the rate fixed by the Board therefor.

Rate of wages
throughout day.
Factories Act 1906,
sec. 37, ss. 2.
Vic. Act No. 2008,
sec. 15.

(2) When an employé is, during any part of a day, employed at work for which a Board has fixed wages prices or rates, his employer shall pay such employé at such prices or rates for all work whatever done by him during such day for such employer.

Penalty, Ten Pounds.

118. The

*The Factories Act.—1907.*PART VIII.
DIVISION XII.

118. The alteration, suspension, or avoidance of a determination shall not affect—

- (a) Legal proceedings theretofore commenced in relation to such determination; or
- (b) Rights existing at the time of such alteration, suspension, or avoidance.

Effect on legal proceedings of amendment of a determination.

Factories Act 1906, sec. 38.

Vic. Act No. 1975, sec. 108.

119. Whenever—

- (a) A Board has fixed piece-work prices or rates for work; and
- (b) Such Board has, in the description of such work, enumerated several operations; and
- (c) Any such operation is omitted with the express or implied consent of the employer,

Piece-work rate not affected by omission of details.

Vic. Act No. 1975, sec. 111.

such omission shall not affect the prices or rates to be paid for such work, but such prices or rates shall, unless otherwise provided in such determination, be the prices or rates fixed for the whole work described.

120. Where a Board has fixed wages prices or rates and no piece-work prices or rates have been determined by the Board or fixed by the employer pursuant to section 102—

Effect of fixing a wages rate only.

Factories Act, 1906, sec. 42.

Vic. Act No. 1975, sec. 112.

- (a) No employer shall, directly or indirectly, pay, or authorise or permit to be paid, piece-work prices or rates; and
- (b) Every employé shall be paid such wages prices or rates, and may recover the full amount thereof in a Court of competent jurisdiction, notwithstanding the receipt or acceptance of piece-work prices or rates.

Penalty, Five Pounds.

121. When a Board has fixed piece-work prices or rates only—

Effect of fixing piece-work rates only.

- (a) No employer shall, directly or indirectly, pay, or authorise or permit to be paid, wages prices or rates; and
- (b) Every employé shall be paid such piece-work prices or rates, and may recover the full amount thereof in a Court of competent jurisdiction, notwithstanding the receipt or acceptance of wages prices or rates.

New.

Penalty, Five Pounds.

122. (1) Every employer liable to pay wages prices or rates or piece-work prices or rates shall, notwithstanding any agreement to the contrary, pay his employés in money and not otherwise, and without deduction.

Employés to be paid in money.

Factories Act, 1906, sec. 43.

Vic. Act No. 1975, sec. 113.

Penalty, Twenty Pounds.

(2) Every employé may recover in a Court of competent jurisdiction any amount not paid in accordance with subsection (1).

(3) All proceedings under subsection (2) shall be commenced within twelve months.

123. (1) No

PART VIII.
DIVISION XII.

Penalty for not
paying wages fixed.
Factories Act, 1906,
sec. 47.
Vic. Act No. 1975,
sec. 119.
New.

The Factories Act.—1907.

123. (1) No employer engaged in a process, trade, business, occupation, or calling, or group or part, in respect whereof prices or rates have been fixed by a Board shall, directly or indirectly, pay any employé therein at a lower price or rate than that so fixed, and applicable to such employé.

Penalty, Twenty Pounds.

(2) Every employé may, notwithstanding any agreement to the contrary, recover in a Court of competent jurisdiction any amount short paid.

(3) All proceedings under subsection (2) shall be commenced within twelve months.

Penalty against em-
ploying excess number
of improvers.
Ibid.

124. No employer shall, directly or indirectly, employ any improver in excess of the number authorised by a determination under section 93, subsection (v.).

Penalty, Twenty Pounds.

DIVISION XIII.

Constitution of Court.
Factories Act, 1906,
sec. 48.
Vic. Act No. 1975,
sec. 120.

DIVISION XIII.—COURT OF INDUSTRIAL APPEALS.

125. (1) A Court of Industrial Appeals is hereby constituted for the purpose of—

- (a) Deciding all appeals against a determination of a Board;
- (b) Dealing with any determination referred to the Court under section 129; and
- (c) Fixing the prices or rates pursuant to section 96;
- (a) Deciding, pursuant to section 148, all disputes as to the legality of a determination.

(2) The Court shall consist of such Judge of the Supreme Court as the Governor may appoint.

(3) If the Judge appointed is unable to act, the Governor may appoint any other Judge of the Supreme Court to constitute the Court during such inability.

Registrar of Court.

126. The Governor may appoint a Registrar of the Court of Industrial Appeals.

Assessors.
Factories Act, 1906,
sec. 53.
Vic. Act No. 1975,
sec. 124.

127. (1) The Court shall appoint two assessors to assist the Court.

Nomination of
assessors.

(2) Within such time as the Court specifies, the representatives on the Board of the employers and of the employés may respectively nominate one of such assessors.

Court may appoint
upon default.

(3) If default is made in nominating an assessor the Court may appoint an assessor without nomination.

Fees to assessors.

(4) Each assessor shall be paid a fee of One Pound for every day on which he attends the Court by order of the Court.

128. (1) An

*The Factories Act.—1907.*PART VIII.
DIVISION XIII.

128. (1) An appeal to the Court against a determination of a Board in force in the metropolitan area may be made—

Appeal to Court.

Factories Act, 1906,
sec. 52.

Vic. Act No. 1975,
sec. 123.

(a) By a majority of the representatives of employers on the Board; or

(b) By a majority of the representatives of employes on the Board; or

(c) By an employer or group of employers employing not less than one-quarter of the total number of employes subject to the determination; or

(d) By not less than one-quarter of the employes subject to the determination.

(2) An appeal to the Court against a determination of a Board in force in any particular locality or area outside the metropolitan area, and referred to in subdivision II. of section 105, may be made—

(a) By not less than five employers in such locality or area, and who are subject to the determination; or

(b) By not less than twenty-five employes employed in such locality or area, and subject to the determination.

(3) For the purposes of subsections (1) and (2) the Court shall accept the records contained in the latest annual report of the Chief Inspector.

(4) Such appeal may be made in the prescribed manner, and at any time.

129. The Minister may at any time refer any determination of a Board for consideration by the Court.

Reference by the
Minister to the Court.
Factories Act, 1906,
sec. 52.
Vic. Act No. 1975,
sec. 123.

130. No appeal against or reference to the Court of a determination which has been published in the *Gazette* shall suspend or delay the operation of such determination.

Appeal not to suspend
determination.
Factories Act, 1906,
sec. 52, ss. 3.

131. The Chief Inspector shall forward to the Registrar of the Court—

Documents to be
forwarded.
Ibid, ss. 4.

(a) Every determination required by the Court; and

(b) All documents necessary for the information of the Court.

132. (1) Except as herein provided, no solicitor or agent shall be heard by the Court.

Appearance by
solicitor or agent.
Ibid, ss. 5.

(2) By the direction of the Court, or with the consent of both parties, either party may, at its own cost, be represented by a solicitor or agent.

(3) In appeals under section 128 the Court may give such directions for the representation of parties as it may deem proper.

PART VIII.
DIVISION XIII.

The Factories Act.—1907.

Disclosure of trade
secret.

Ibid, sec. 52, ss. 8.

133. No evidence relating to a trade secret, or to the profits or financial position of a witness or party, shall be disclosed or published without the consent of the person entitled to the trade secret or non-disclosure.

Powers of Court as to
determinations.

Factories Act, 1906,
s. 52, s.s. 6.

134. (1) The Court—

(a) On an appeal under section 128, subsection (1), may order the Board to alter or may confirm the determination;

(b) On an appeal under section 128, subsection (2), may order the Board to alter or may confirm the determination, so far as the same applies, either within the whole of the locality or area referred to in such subsection or a particular part thereof to be specified in the order of the Court.

(c) On a reference under section 129 may order the Board to alter or may confirm the determination referred to.

(2) The order of the Court shall specify the alteration to be made by the Board.

(3) The Board shall make such alterations accordingly.

Powers of Court.

Factories Act, 1906,
sec. 52, ss. 6.

Powers as to witnesses
and documents.

Factories Act, 1906,
sec. 52, ss. 7.

135. The Court may exercise, in respect of the summoning and examining of witnesses, production of documents and books, and in respect of persons summoned or giving evidence before the Court, the like powers by "The Witnesses on Commissions Oaths Act" (No. 20 of 1873) conferred on Commissioners when the Governor directs that the witnesses to be examined before them shall be examined on oath.

Every summons to attend the Court shall be signed by the Registrar.

Principles of
determinations by
Court of Appeal.

Factories Act, 1906,
secs. 50 and 51.

Vis. Act No. 1975,
secs. 121 and 122.

136. Where a determination of a Board is under consideration the Court—

(a) Shall take into consideration the matters referred to in section 95, subsection III.; and

(b) Shall consider whether such determination has had or may have the effect of prejudicing the progress, maintenance of, or scope of employment in the process, trade, business, occupation, or calling, or group, or part affected thereby; and

(c) If of opinion that such determination has had or may have such effect, shall order the Board to make such alterations as in the opinion of the Court may be necessary—

1. To remove or prevent such effect; and

11. At the same time to secure a living wage to the employés affected.

Living wage.

137. (1) A

The Factories Act.—1907.

PART VIII.

DIVISION XIII.

137. (1) A determination of a Board, to the extent to which it has been altered pursuant to an order of the Court, or has been confirmed by the Court—

Determination final.
Ibid, sec. 52, ss. 9.

(a) Shall be final and without appeal; and

(b) May not be reviewed or altered by a Board, or without leave of the Court by any other Court.

(2) The Court, if satisfied upon affidavit that a *prima facie* case for review exists, may either give such leave or may direct a re-hearing before the Court, when the Court may itself alter or amend its order.

138. The Registrar shall forward the order of the Court to the Board and to the Minister.

Determination to be forwarded to Minister
Ibid, sec. 52, ss. 10.

139. (1) When a determination is confirmed the Minister shall publish in the *Gazette* a notice of such confirmation.

Notification of confirmation.

(2) The Minister shall publish such altered determination in the *Gazette*.

140. When a determination is altered the Board shall forward to the Minister the determination as altered.

Notification of alteration.

PART IX.

REGULATIONS.

PART IX.

141. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this Act.

Regulations.
See Factories Act, 1906, sec. 59.
Vic. Act No. 1976, sec. 150.

(2) All such regulations shall—

(a) Be published in the *Gazette*;

(b) Take effect from the date of such publication or from a later date to be specified therein; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament be then in Session, and if not, then within fourteen days after the commencement of the next Session.

(3) Notwithstanding any publication thereof, no regulation shall continue to have any force or effect if the same shall be disapproved, either wholly or in part, by resolution of either House of Parliament within thirty days after such regulations shall have been laid before Parliament, if Parliament shall be so long in Session: Provided that if Parliament shall not be in Session for thirty days after such regulations shall have been laid before it, then no regulation shall continue to have any force or effect if disapproved by either House of Parliament within thirty days after the commencement of the next Session of Parliament.

Proviso as to powers of Parliament.

142. (1) A

The Factories Act.—1907.

PART IX.

Regulations
unchallengeable
unless quashed.

Vic. Act No. 1975,
sec. 151.

142. (1) A person desiring to dispute the validity of a regulation may apply to the Supreme Court upon affidavit for a rule calling upon the Chief Inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said Court may make absolute or discharge the said rule with or without costs.

(3) All regulations, unless and until so quashed, shall have the like effect as if enacted in this Act.

(4) No regulation shall be challenged or disputed in any other manner.

PART X.
DIVISION I.

PART X.

LEGAL PROCEDURE.

DIVISION I.—PROCEEDINGS TO TRY TITLE OF MEMBER OF BOARD
AND VALIDITY OF DETERMINATION.

No writ of *quo war-
ranto* allowed to try
title to any office.

New.

143. No writ of *quo warranto*, information in the nature of a *quo warranto*, or other proceeding, shall issue, or be filed, or had, or taken in the Supreme Court to try or question the title of a person to act as a member of a Board.

Mandamus abolished.

New.

144. No writ of mandamus shall issue from the Supreme Court to admit or restore to office a member of a Board.

Proceedings for
trying title to office.

New.

145. The proceedings—

(a) For trying the title of a member of a Board to his office; and

(b) For trying the right of a person to be admitted or restored to such office; and

(c) To compel his restoration or admission

shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

Time within which
proceedings may be
taken.

New.

146. (1) No proceedings to try the title of a person as a member of a Board shall be had or taken except upon information.

(2) Such information shall be laid within two calendar months from the time at which the person whose title is disputed was appointed or elected.

Jurisdiction of
Justices.

New.

147. (1) The information under section 146 may be laid at the instance of any person interested.

(2) The Justices may make an order declaring—

(a) That a person is not entitled to the office then possessed by him, and that such office is vacant; or

(b) That the informant is entitled to the said office.

(3) No order to admit or restore a person to any office shall be made whilst any other person is in possession of such office.

Validity

*The Factories Act.—1907.**Validity of Determination.*PART X.
DIVISION I.

148. (1) A person desiring to challenge or dispute a determination of a Board for the illegality thereof may apply to the Court of Industrial Appeals, upon motion supported by affidavit, for a rule calling upon the Board to show cause why such determination should not be quashed, either wholly or in part.

Determinations of Board challengeable before the Supreme Court only.

Factories Act, 1906, sec. 46.

(2) The Court may make absolute or discharge the said rule with or without costs, or may state a special case for the opinion of the Supreme Court.

Vic. Act No. 1975, sec. 118.

(3) No determination of a Board shall be in any other manner challenged or disputed for the illegality thereof.

DIVISION II.—EVIDENCE.

DIVISION II.

149. In all proceedings in respect of offences against this Act—

General provisions as to proceedings before Justices.

Vic. Act No. 1975, sec. 162.

(a) The information shall be laid within six months after the offence:

(b) It shall be sufficient to allege that a factory or bakehouse is a factory or bakehouse:

(c) The onus shall be on the defendant to prove—

- i. That the person, firm, or company named in an information is not the occupier of the factory or bakehouse;
- ii. That the provisions of this Act relating to the registration of factories have been complied with as to any particular factory; or
- iii. That articles wholly or partly prepared, or manufactured, or made are not wholly or partly prepared, or manufactured, or made for sale;
- iv. That the provisions of this Act and of any determination of a Board with regard to the number or proportionate number of improvers who may be employed have been complied with;
- v. That the provisions of this Act with regard to the painting, varnishing, washing, or lime-washing of factories have been complied with;
- vi. That a person named in an information as being either an employé of the defendant generally or an employé of the defendant in a certain capacity was not so employed;
- vii. That the premises or place mentioned in an information as being within a certain locality or area are or is not therein:

(d) The allegations contained in the information shall be deemed proved in the absence of proof by the defendant to the contrary.

(e) Subsection

*The Factories Act.—1907.*PART X.
DIVISION II.Presumption of
law and
evidence in
proceedings.Vic. Act No. 1975,
sec. 163.

(e) Subsection (d) shall not apply where the offence is directly punishable by imprisonment.

150. (1) If a person is shown to be employed under such circumstances as in the opinion of the Court adjudicating raise a suspicion that such employment was contrary to the provisions of this Act, the offence charged shall be deemed proved in the absence of proof to the contrary.

(2) A declaration by a certifying medical practitioner that he has personally examined a person named therein, and believes him to be under the age set forth in such declaration, shall be admissible as evidence of the age of such person.

Evidence of
determination.Factories Act, 1906,
sec. 45.Vic. Act No. 1975,
sec. 117.

151. The production in a Court of the *Gazette* purporting to contain the determination of a Board shall, except in proceedings under section 148 of this Act, be conclusive evidence of the due making and existence of such determination.

Offences to be
reported to Minister,
who may direct
prosecution.Vic. Act No. 1975,
sec. 163.

152. (1) Every offence against this Act shall be reported to the Minister.

(2) No proceedings shall be taken without the consent in writing of the Minister.

Proceedings, by
whom taken.

Ibid.

(3) Such consent may be proved by the production of a document in the form in the Fifth Schedule, or to the like effect, purporting to signed by the Minister.

(4) Proceedings may be taken by a member of the police force or by an inspector.

DIVISION III.

Penalty for not
keeping factory or
bakehouse in con-
formity with Act.Vic. Act No. 1975,
sec. 164.

DIVISION III.—SUMMARY PROCEDURE AND PENALTIES.

153. (1) The occupier of a factory or bakehouse—

(a) Which is not kept in conformity with this Act; or

(b) In which there is a contravention of any of the provisions of this Act;

shall, if no other penalty is provided, be liable—

I. To a penalty not exceeding Ten Pounds; and

II. To a further penalty of One Pound for every day during which such breach continues after the delivery by the inspector at his factory or bakehouse of a notice notifying him that a breach of the provisions of this Act is taking place by such factory or bakehouse not being kept in conformity with this Act, or by a contravention thereof otherwise occurring.

(2) The Court, in addition to or instead of imposing such penalty, may order such occupier to adopt certain means for the purpose of bringing his factory or bakehouse into conformity with this Act.

(3) Such

*The Factories Act.—1907.***PART X.
DIVISION III.**

(3) Such order shall specify—

- (a) The means to be adopted by such occupier; and
- (b) The time within which such means shall be so adopted, which time may be enlarged by the Court upon application.

(4) If, after the expiration of the time as originally specified, or subsequently enlarged, the order is not complied with, such occupier shall on conviction be liable to a penalty not exceeding One Pound for every day that such non-compliance continues.

Compensation to person injured by want of fence to machinery, &c.

Vic. Act No. 1975, sec. 155.

154. (1) If a person is killed or suffers bodily injury in consequence of the occupier of a factory having neglected—

Injury in consequence of neglect of occupier of factory.

- (a) To fence machinery required by or in pursuance of this Act to be securely fenced; or
- (b) To fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced; or
- (c) To maintain any such fencing,

such occupier shall on conviction be liable to a penalty not exceeding One Hundred Pounds.

(2) The whole or any part of such penalty may be applied for the benefit of the injured person or his family or otherwise, as the Minister determines.

(3) No occupier shall be liable to a penalty under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure by which the death occurred or bodily injury was inflicted has been heard and dismissed within one month previous to the time when the death occurred or bodily injury was inflicted.

(4) This section shall not deprive the injured person or his representatives of any right of action to recover damages.

155. The registration of the factory of any person who is convicted of a third offence under Part VIII. of this Act shall be forthwith cancelled by the Chief Inspector.

Cancellation of registration.

156. The parent of a child or person under eighteen years of age shall, if such child or person is employed in a factory contrary to this Act, be liable on conviction to a penalty not exceeding Twenty Shillings for each offence, unless it appears to the Court that such offence was committed without the consent, connivance, or wilful default of such parent.

Penalty on parent for allowing child or young person to be employed contrary to the Act.

Vic. Act No. 1975, sec. 157.

157. (1) No person shall—

- (a) Forge or counterfeit any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or

Forgery of certificates, false entries, and declarations.

Vic. Act No. 1975, sec. 158.

- (b) Give

*The Factories Act.—1907.***PART X.
DIVISION III.**

- (b) Give or sign any such certificate knowing the same to be false in any material particular; or
- (c) Utter or make use of any certificate, knowing the same to be forged, counterfeited, or false; or
- (d) Knowingly utter or make use of as applying to any person a certificate which does not so apply; or
- (e) Personate any person named in the certificate; or
- (f) Wilfully connive at such forging, counterfeiting, giving, signing, uttering, making use of, or personating.

Penalty, One Hundred Pounds, or imprisonment for two years.

(2) No person shall—

- (a) Wilfully make a false entry in a book, register, notice, certificate, list, record, or document required by this Act to be kept, or served, or sent; or
- (b) Wilfully make or sign a false declaration or return under this Act; or
- (c) Make use of any such entry, declaration, or return, knowing the same to be false.

Penalty, Fifty Pounds, or imprisonment for one year.

Penalty on lock-out.
Cf. Conciliation Act,
1896, sec. 63.

158. No organisation of employers or member thereof and no employer shall counsel, take part in, support, or assist directly or indirectly any lock-out on account of any matter in respect of which a Board has made a determination.

Penalty, in the case of an organisation Five Hundred Pounds, and in the case of an individual Twenty Pounds.

Penalty on strike.
Cf. *ibid.*, 64.

159. No organisation of employés or member thereof and no employé shall counsel, take part in, support, or assist directly or indirectly any strike on account of any matter in respect of which a Board has made a determination.

Penalty, in the case of an organisation Five Hundred Pounds, and in the case of an individual Twenty Pounds.

Penalty on persons
committing offence
for which employer is
liable.

Vic. Act No. 1975,
sec. 159.

160. Where an offence for which an employer is liable under this Act to a penalty has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same penalty as if he were the employer.

Exemption of
employer from
penalty or conviction
of the actual offender.

Vic. Act No. 1975,
sec. 160.

161. (1) An employer charged with an offence against this Act may, upon information duly laid by him, have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge.

(2) If,

*The Factories Act.—1907.*PART X.
DIVISION III.

(2) If, after the commission of the offence has been proved, such employer satisfies the Court that he had used due diligence to enforce the execution of this Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and such employer shall be exempt from any penalty.

(3) The informant shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer, whenever it is made to appear to his satisfaction at the time of discovering the offence—

- (a) That such employer has used all due diligence to enforce the observance of this Act; and
- (b) By whom such offence has been committed; and
- (c) That such offence has been committed without the knowledge, consent, or connivance of such employer, and in contravention of his orders.

162. Every person guilty of an offence against this Act or any regulation thereunder, for which no other penalty is provided, shall on conviction be liable to a penalty for the first offence of not more than Two Pounds, and for every subsequent offence to a penalty of not less than One Pound or more than Ten Pounds.

Penalty for offence for which no other penalty provided.

Vis. Act No. 1975, sec. 161.

163. (1) The Special Magistrate or Justices imposing a penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings.

Justices may apply penalty towards costs. Factories Act, 1894, sec. 28.

(2) Subject to such directions, all penalties shall be paid to the Treasurer.

164. All fines and penalties for an offence against this Act may be recovered before a Special Magistrate or two or more Justices in a summary way.

Fines may be recovered before two Justices.

165. All proceedings before Justices shall be regulated by Ordinance No. 6 of 1850, "The Justices Procedure Amendment Act, 1883-4," and any other Act that may be law in that behalf.

Proceedings before Justices.

166. (1) Any Justice may commit any person who makes default in payment of a fine or pecuniary penalty or amends under this Act to any gaol for any time not exceeding three months.

On non-payment of penalties, &c., Justice may imprison.

(2) The imprisonment shall cease on payment of the sum due and the costs of such proceedings as may have been taken for the recovery thereof.

(3) This section shall not affect any remedy under Ordinance No. 6 of 1850 or Act No. 298 of 1883-4 for the recovery of fines or pecuniary penalties or amends.

167. (1) There

The Factories Act.—1907.

PART X.

DIVISION III.

Appeal to Local Court
from order made by
Justices.

167. (1) There shall be an appeal—

- (a) From an order of Justices ;
- (b) From a conviction by Justices ; and
- (c) From an order dismissing an information or complaint.

(2) Such appeal shall be to the Local Court of Adelaide of Full Jurisdiction.

(3) Such appeal shall be regulated by Ordinance No. 6 of 1850 and the Act No. 298 of 1883-4.

(4) Such Local Court may make such order as to costs as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may
state a case for
opinion of Supreme
Court.

168. (1) Such Local Court may state a special case for the opinion of the Supreme Court.

(2) The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make such order as to costs as to the said Court shall appear just.

(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or a Judge thereof.

(5) Such order of the Justices, or Local Court, shall be enforced in manner provided by this Act or otherwise by law.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.

The Factories Act.—1907.

SCHEDULES.

FIRST SCHEDULE.

REPEAL.

Number of Act	Short Title of Act.	Extent of Repeal.
No. 603 of 1894	"The Factories Act, 1894"	The whole Act
No. 752 of 1900	"The Factories Amendment Act, 1900"	The whole Act
No. 872 of 1904	"The Factories Further Amendment Act, 1904"	The whole Act
No. 915 of 1906	"The Factories Act Amendment Act, 1906" ..	The whole Act

SECOND SCHEDULE.

REGISTER-BOOK.

Trade or class of factory

Registration Number.	Name.	Address.	Employer Working at Trade.		Number of Employés.							
					Males.				Females.			
			Male.	Female.	21 Years and Over.	16 Years and Under 21.	13 Years and Under 16.	Under 13 Years.	21 Years and Over.	16 Years and Under 21.	13 Years and Under 16.	Under 13 Years.

THIRD SCHEDULE.

	£	s.	d.	
Every factory in which more than sixty persons are employed, per annum	3	3	0	Vic. Act No. 1976.
Every factory in which more than thirty and not more than sixty persons are employed, per annum	2	2	0	
Every factory in which more than ten and not more than thirty persons are employed, per annum	1	1	0	
Every factory in which more than six and not more than ten persons are employed, or in which, though more than six are not employed, steam, water, gas, oil, or electric power is used, per annum	0	10	0	
Every factory in which not more than six persons are employed, and for which the steam, water, gas, oil, or electric power is obtained from a factory or workroom already registered, per annum	0	2	6	
Every other factory	0	2	6	

FOURTH

The Factories Act.—1907.

FOURTH SCHEDULE.

Short Title of Board.	Date when Board Gazetted.
1. Bakers' Board	April 11th, 1907
2. Boot Board.....	"
3. Brickmakers' Board	"
4. Butchers' Board	"
5. Carriers' and Drivers' Board	"
6. Dressmaking Board	"
7. Furniture Board	"
8. Shirtmaking and Whitework Board	June 20th, 1907
9. Millinery Board.....	November 14th, 1907

FIFTH SCHEDULE.

"The Factories Act, 1907."

CONSENT OF MINISTER.

I, the Hon. _____, the Minister of Industry (or the Minister of the Crown for the time being performing the duties of Minister of Industry), hereby consent to proceedings being taken by⁽¹⁾ _____ against _____, of⁽²⁾ _____, for an alleged offence under⁽³⁾

(1) Here insert the name of the proposed informant, and state whether a member of the Police Force or an inspector under the Factories Act, 1907.

(2) Here insert address and occupation of proposed defendant.

(3) Here insert number of section or subsection or regulation.



Stanford University Library
Stanford, California

In order that others may use this book,
please return it as soon as possible, but
not later than the date due.

